

EXECUTIVE COMMITTEE

Meeting: Wednesday, 25th May, 2022
at 2.00 pm. (Committee Room No.4)

Present: Councillors L. Roberts (Vice-Chair), Barlow, Biggins, Hall, Hamilton, McEwan, Maddox, Morgan, Pemberton, Shirley and Wall.

Officers Present: Sam Plum (Chief Executive), Susan Roberts (Director of Resources), Steph Cordon (Director of People and Place), Debbie Storr (Head of Legal and Governance & Monitoring Officer), Helen Houston (Head of Regeneration and Planning Policy) (Minute Nos. 1-11), Alison Coward (Senior Environmental Protection Officer) (Minute Nos. 1-8), Alec Proffitt (Policy and Engagement Officer) (Minute Nos. 1-11), Caroline Wagstaff (Head of People and Communities) (Minute Nos. 1-7) and Jon Huck (Democratic and Electoral Services Manager).

1 Apologies for Absence/Attendance of Substitute Members

Apologies for absence had been received from Councillors Brook, McClure and Ronson.

Councillors McEwan and Hall had substituted for Councillors Brook and Ronson for this meeting only

2 Declarations of Interest

Councillors Hamilton, McEwan, Shirley and Wall declared an Other Registrable Interest in agenda item 12 – Barrow Local Cycling and Walking Infrastructure Plan (LCWIP). They were a member of Cumbria County Council.

3 Minutes

The Minutes of the meetings held on 9th and 22nd March, 2022 were agreed as a correct record.

4 Public Participation

RESOLVED:- To note that no questions, representations, deputations or petitions had been received in respect of the meeting.

5 Terms of Reference

RESOLVED:- To note the revised Terms of Reference for the Executive Committee.

6 Anti-Social Behaviour Strategy & Procedures

The Head of People and Communities reported that the draft Anti-Social Behaviour (ASB) Policy and Procedures (Appendix 1) provided a framework for our approach to reports of ASB from all our residents across the borough. The policy would replace the current ASB Policy for tackling ASB in the Council's housing stock which had been last reviewed in January 2020.

Tackling ASB was a key priority for the Council and residents. The newly formed Safe and Strong Communities Team would adopt a victim-centred approach to tackling ASB across the borough.

The policy statement meet the aims of the Council's Vision and Values within the Council Plan 2020 – 2024 "To focus on our community and provide excellent service for all our customers and colleagues".

The draft Policy was a specific policy for dealing with ASB enforcement across tenure. The Council had an over-arching Corporate Enforcement Policy; the legislation for ASB Enforcement would take precedent over the overall approach in Corporate Enforcement Policy.

It was moved by Councillor Hamilton and seconded by Councillor McEwan, and

RESOLVED:-

1. To note the contents of the report; and
2. To agree to adopt the draft Anti-Social Behaviour Policy and Procedures as attached to the report.

7 Climate Change - Citizens' Jury Response

The Senior Environmental Protection Officer reported that the aim of the Climate Change Policy 2020-2025 for the Council was to reach net zero no later than 2037. To achieve that goal in Objective 6, the Council would increase public awareness around climate change.

To enable the objective to be achieved the Council ran a Citizens Jury to engage with a cross section of residents. That was delivered in partnership with Shared Future and had been part funded through the Zero Carbon Cumbria Partnership.

The jury considered the question 'What should happen in the Furness area to address the emergency of climate change' and the jury created a report containing their recommendations.

It was moved by Councillor Hamilton and seconded by Councillor McEwan, and

RESOLVED:-

1. To acknowledge the recommendations of the Citizens' Jury;
2. To agree with the proposed response to the recommendations and the development of an action plan; and
3. To commit to create an independent advisory group to encourage the jury, the oversight panel and any other relevant stakeholders to work together to meet the objectives of the actions plan.

8 Disabled Facilities Grants Policy Review

The Director of People and Place reported that Disabled Facilities Grants (DFGs) were provided through a statutory scheme under the Housing Grants, Construction and Regeneration Act 1996. Those grants had allowed adaptations to be made to the homes of people with disabilities to make their homes more accessible. By far the most common forms of assistance provided were installation of stair lifts and wet rooms. At present approximately 150 adaptations a year had been provided in the Borough. Prior to 2017, all DFGs had been subject to a means test. Although few applicants were required to contribute to the cost of adaptations, the presence of a means test produced additional bureaucracy, and was seen as off-putting and a disincentive for people to apply.

The report proposed an increase in the non means-tested amount of Disabled Facilities Grant from £7,500 to £10,000.

It was moved by Councillor McEwan and seconded by Councillor Hamilton, and

RESOLVED:- To agree to increase the non means-tested grant from £7,500 to £10,000 and make the necessary minor amendments to the Private Sector Housing Assistance Policy.

9 Barrow Local Cycling and Walking Infrastructure Plan (LCWIP)

The Head of Regeneration and Planning Policy report sought endorsement of the Local Cycling and Walking Infrastructure Plan (LCWIP) for Barrow. The LCWIP provided a prioritised investment plan for cycling and walking in Barrow Borough over the next 15 years.

The LCWIP considered the overlaps and synergies with other plans, schemes and strategies. That meant the network priorities would be reviewed and updated periodically, particularly if there were any significant changes in local circumstances, such as the publication of new policies or strategies, new development sites, if funding bids were successful and as walking and cycling networks mature and expand.

The LCWIP for Barrow was a live document that would be regularly reviewed to ensure the most appropriate routes for cycling and walking were identified and prioritised for future delivery.

It was moved by Councillor Hamilton and seconded by Councillor McEwan, and

RESOLVED:- To agree to endorse the Barrow Local Cycling and Walking Infrastructure Plan.

10 Cumbria Gypsy and Traveller Accommodation Assessment

The Head of Regeneration and Planning Policy reported that the Cumbria Gypsy and Traveller Accommodation Assessment (GTAA) outlined the accommodation needs for Gypsies, Travellers and Travelling Show people over the next 20 year period. The report covered the whole of Cumbria and had separate sections for each Local Authority area. The findings for Barrow were the focus of the report.

The report sets out the pitch requirements for the Council. The Cumbria Gypsy and Traveller Accommodation Assessment would be used to further inform housing requirement and planning policy.

The Director of People and place agreed to arrange a Member Briefing regarding transit sites for Gypsies and Travellers.

It was moved by Councillor Hamilton and seconded by Councillor McEwan and,

RESOLVED:- To note the findings of the Cumbria Gypsy and Traveller Accommodation Assessment, and that the GTAA would be used to further inform housing requirements and planning policy.

11 Growing Forward & Council Plan Progress Update

The Policy and Engagement Officer report provided an update on progress on actions set out in both the Council Plan 2020-2024 and the Growing Forwards Executive Committee reports of 8 July 2020 and 23 March 2021. The previous update report had covered progress up to July 2021.

It was moved by Councillor Hamilton and seconded by Councillor McEwan and,

RESOLVED:-

1. To note and agree the update of actions that officers working with partners had achieved in the last nine months;
2. To note that the recovery activities, identified in the Recovery Tracker, required monitoring, prioritising and, where appropriate, fed into the Local Government Reorganisation work to ensure the Council's regeneration and Covid-recovery priorities were incorporated and embedded into the Westmorland and Furness Unitary Authority; and
3. To record their appreciation of all officers and partner organisations for their contributions to making the Borough a place where people want to live, work, visit and invest and puts residents at the heart of all that they do.

12 COVID-19 Additional Relief Fund

The Director of Resources reported that on 25 March the Government had announced a new COVID-19 Additional Relief Fund (CARF) of £1.5 billion. The Council's share of that was £1,355,251. The fund was available to support those businesses affected by the pandemic but that were ineligible for existing support linked to business rates.

Billing authorities were responsible for designing the discretionary relief schemes that were to operate in their areas.

It was moved by Councillor McEwan and seconded by Councillor Hamilton and

RESOLVED:-

1. To approve the COVID-19 Additional Relief Fund principles contained in the report, particularly those at paragraphs 3.13 to 3.15;
2. To delegate authority to the Director of Resources to finalise and publish the COVID-19 Additional Relief Fund Scheme;
3. To delegate authority to the Director of Resources to make awards within these guidelines; and
4. To delegate authority to the Director of Resources to maintain the COVID-19 Additional Relief Fund Scheme.

13 Discretionary Energy Rebate

The Director of Resources report sought approval for the Discretionary Energy Rebate Scheme principles to allocate Government funds to Council Taxpayers who were not eligible for the Main Scheme.

The Council had been allocated £162,000 of grant funding from a £144m discretionary fund from the Government 'to provide support to other energy bill payers who were not eligible under the terms of the core band A to D Energy Rebate Scheme'.

The report set out the principles of the proposed Discretionary Energy Rebate Scheme and requested that the Director of Resources be delegated to finalise a Scheme based upon those principles contained to enable Officers to distribute the share to the Council.

The guidance had changed since it was first issued and delegation to maintain the Scheme was also requested.

The Director of Resources clarified that 3.10 (ii) should read "for households in E to H"

It was moved by Councillor Hamilton and seconded by Councillor McEwan and

RESOLVED:-

1. To approve the Discretionary Energy Rebate Scheme principles at paragraph 3.10 of the report;
2. To delegate authority to the Director of Resources to finalise and publish the Discretionary Energy Rebate Scheme;
3. To delegate authority to the Director of Resources to make awards within these guidelines;
4. To agree that if there were funds remaining, the Hardship Working Group shall be convened to determine any further action to ensure full expenditure; and
5. To delegate authority to the Director of Resources to maintain the Discretionary Energy Rebate Scheme.

14 Final Report of the Scrutiny Work Group - Piel Island

The Director of People and Place reported that following the Scrutiny Review into the future management arrangements for Piel Island, the Work Group had concluded the review and the Overview and Scrutiny Committee had made recommendations to this Committee for consideration.

It was moved by Councillor McEwan and seconded by Councillor Hamilton and

RESOLVED:- To agree the recommendations detailed at 3.6 of the report.

15 Appointments on Outside Bodies, Panels and Working Groups etc.

The Chief Executive reminded the Committee that at the Annual meeting on 18th May, 2022 the allocation of seats in respect of Forums, Panels, Working Groups etc. and certain Outside Bodies had been considered by Council.

Council had been asked to recommend with the exception of the Housing Management Forum the allocation of seats on Outside Bodies, Forums, Panels, Working Groups etc. be delegated to the appropriate Committees to make the necessary appointments.

Group Leaders had supplied details of the recommended appointments for confirmation by the Committee.

RESOLVED:-

1. To approve the under-mentioned Outside Bodies in accordance with Notional Seat Allocations; and
2. To agree the under-mentioned appointments to Outside Bodies, Forums, Panels and Working Groups:-

REPRESENTATIVES ON OUTSIDE BODIES, ETC.

- (1) AIR TRAINING CORPS (NO. 128 SQUADRON)
The Mayor.
- (2) ARMED FORCES CHAMPION
Councillor Biggins.
- (3) ASKAM AND IRELETH COMMUNITY CENTRE MANAGEMENT COMMITTEE
Councillors D. Edwards, Ronson and Shirley.
- (4) BARROW FORWARD MEMBER COMMITTEE (2:1:0)
Councillors Brook, Gawne, and M A Thomson.
- (5) BARROW HEALTH AND WELLBEING FORUM
Councillors Hall, Mooney and Robson.

- (6) BARROW-IN-FURNESS SEA CADET CORPS COMMITTEE
The Mayor.
Substitute:- Deputy Mayor.
- (7) BILLINCOAT CHARITY TRUST (4 year appointment until May 2023) –
Councillors Callister, D. Edwards, Maddox, Nott, Ronson and, Shirley.
- (8) BRILLIANT BARROW BOARD (1:0:0)
Councillor M. A. Thomson.
- (9) BUCCLEUCH HALL MANAGEMENT COMMITTEE
Councillor D. Edwards.
- (10) CHILDREN AND FAMILIES PARTNERSHIP (CHILDREN'S TRUST)
Councillors Assouad and Morgan.
- (11) CUMBRIA ALCOHOL AND DRUG ADVISORY SERVICE BOARD
The Mayor.
- (12) CUMBRIA HEALTH SCRUTINY
Councillor Cassidy.
- (13) CUMBRIA HOUSING EXECUTIVE GROUP
Councillor Hamilton.
- (14) CUMBRIA PENSIONS FORUM
Councillor Wall.
- (15) CUMBRIA STRATEGIC WASTE PARTNERSHIP
Councillor M A Thomson.
- (16) DALTON BORDERLANDS STEERING GROUP
Councillors Callister and Ronson.
- (17) DALTON COMMUNITY ASSOCIATION
Councillor Nott.
- (18) FCC PARTNERSHIP BOARD (3:1:0)
Councillors Cassidy, Hall, Hamilton, and Robson.
- (19) FURNESS ABBEY FELLOWSHIP
Councillor Wall.
- (20) FURNESS LINE COMMUNITY RAIL PARTNERSHIP
Councillor Nott.

- (21) FURNESS MARITIME TRUST
Council of Trustees:- Councillors Cassidy, C. Thomson, Wall, Chief Executive and Director of Resources plus one Labour Representative.
- (22) JOINT RURAL COMMITTEE
Councillors Callister and Ronson.
- (23) KEEPING OUR FUTURE AFLOAT
Councillor Callister.
- (24) LOCAL ENTERPRISE PARTNERSHIP SCRUTINY BOARD (0:1:0)
Councillor D Edwards.
- (25) LOCAL GOVERNMENT ASSOCIATION: GENERAL ASSEMBLY
Councillor Roberts.
- (26) NORTH WEST OF ENGLAND AND THE ISLE OF MAN RESERVE FORCES CADETS ASSOCIATION
The Mayor.
- (27) NORTH WESTERN LOCAL AUTHORITIES' EMPLOYERS' ORGANISATION
Councillor Brook (Substitute: Councillor Nott).
- (28) NORTH WEST INDUSTRIAL COMMUNITIES ALLIANCE
Councillor McEwan (Representing Borough and County Councils).
- (29) PATROL (Parking and Traffic Regulations Outside London) Adjudication Committee
Councillor Callister.
- (30) SOUTH CUMBRIA COMMUNITY SAFETY PARTNERSHIP
Councillors Brook and Robson.
- (31) SPIRIT ENERGY LIAISON COMMITTEE – arranging a meeting in the future.

OUTSIDE BODIES AGREED BY COUNCIL

Allotments Liaison Committee (6:2:1)

Councillors Barlow, Burns, Gawne, Husband, Johnston, McClure, Ronson and C. Thomson plus one Labour representative.

Barrow Local Committee – Highways Advisory Group (1:0)

Councillor Nott.

Wildlife and Heritage Advisory Committee (6:2:1)

Councillors Assouad, Barlow, H Edwards, Gawne, Mooney, Pemberton, Robson, M. A. Thomson and Wall.

MEMBERSHIP OF FORUMS, PANELS, WORKING GROUPS ETC.

EXECUTIVE COMMITTEE

Barrow Market Liaison Committee (3:1:0)

Councillors Barlow, Brook, McEwan and Zaccarini.

Community Governance Working Group (3:1:1)

Councillors Brook, H. Edwards, Hall, Husband and Morgan.

Cumbria Local Nature Partnership Board (1:0:0)

Councillor Wall.

Cumbria Police and Crime Panel (1:0:0)

Councillor Hamilton.

Health and Safety Management Board (3:1:1)

Councillors Barlow, Gawne, Husband, McLeavy and C. Thomson.

Medical Assessment/Housing Applications Appeals Panel (2:1:0)

3 Members selected by Chief Executive in accordance with proportionality rules

Member Training Working Group (3:1:0)

Councillors Assouad, Brook, Morgan and Ronson.

Planning Policy Working Group (4:1:1)

(Two Members from Executive Committee and four Members from Planning Committee)

Councillors Brook, H Edwards, Hall, Roberts, C. Thomson and M. A. Thomson.

Renovation Grants Panel (3:1:0)

To be appointed for 2022/23 in accordance with proportionality rules

Review Board – Housing Register/Homeless Applicants (2:1:0)

3 Members selected by Chief Executive in accordance with proportionality rules.

REFERRED ITEM

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

16 UK Shared Prosperity Fund

The Director of People and Place reported that there had been a recent announcement of funding from Central Government that provided an opportunity for

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the Borough, in the form of the UK Shared Prosperity Fund (UKSPF). That had replaced the European Regional Development Fund (ERDF) and European Social Fund (ESF). The UKSPF was a central pillar of the UK Government Levelling Up Agenda. Its primary goal was to build pride in place and increase life chances. There were three key investment priorities of: communities and place; supporting local business; and people and skills.

The funding had been allocated through a funding formula and the Council had been conditionally allocated £2,477,528 UKSPF from April 2022-March 2025. That was dependent on developing an Investment Plan which sets out measurable outcomes that reflect needs and opportunities. These would inform the interventions that would be delivered.

The Investment Plan would require sign off from the Council and the new Unitary Westmorland and Furness Shadow Authority. Close collaboration with Eden, South Lakeland and Cumbria County Council was critical to developing common delivery arrangements and from 1 April 2023 a single merged district council investment plan for the new Unitary was a requirement in the government UKSPF prospectus.

It was moved by Councillor Hamilton and seconded by Councillor McEwan and

RESOLVED:-

1. To agree to prepare a draft Investment Plan by end of June 2022 in conjunction with local stakeholders and in close collaboration with neighbouring local authorities;
2. To approach Brilliant Barrow Board and request that it be designated as the Local Partnership Group with broadened suggested representation as set out in paragraph 3.7 of the report;
3. To submit the Barrow UKSPF Plan for agreement by the Westmorland and Furness Unitary Shadow Executive on 22 July 2022;
6. To agree to receive a completed Investment Plan on 27 July 2022 and submit to Government by 31 August 2022 incorporating recommendations from Westmorland and Furness Shadow Unitary Authority;
7. Subject to agreement of the Investment Plan in July 2022, recommend to Council that it would act as the accountable body for UKSPF prior to 1 April 2023 when it would transfer into the Westmorland and Furness Unitary Authority and to enter into a grant funding agreement with government; and
8. To authorise the Director of People and Place, in consultation with the Director of Resources and the Chair of the Executive Committee, to enter into grant funding agreements with delivery partners for individual project elements.

The meeting closed at 3.56 pm.



BARROW BOROUGH COUNCIL
Anti-Social Behaviour Policy and Procedures

Date: May 2022

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Barrow Borough Council

ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURES

Summary

This document provides staff and customers with a summary of our approach and the actions that will be taken when a report of anti-social behaviour (ASB) is received.

1.0 REPORT OF ANTI-SOCIAL BEHAVIOUR

1.1 When does the council investigate a report of anti-social behaviour?

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

- When the person experiencing and/or perpetrating anti-social behaviour is a Council tenant, or if the ASB is perpetrated by another person when visiting a Council tenant,
- When both the person experiencing and the person perpetrating anti-social behaviour are owner occupiers or reside in privately rented accommodation,
- When the ASB is taking place in any public place or place to which the public have access.

When either the person experiencing ASB or the perpetrator of ASB is a tenant of another social landlord the report of ASB should be made to the relevant social landlord.

Serious ASB involving criminal conduct should be reported to Cumbria Constabulary by telephoning 101 or 999 in an emergency.

1.2 Making a report of ASB to the Council

The Council will investigate and take appropriate action on the following activities:

- Challenging anti-social behaviour causing offence, distress, annoyance or harassment
- Dog Fouling
- Fly Tipping
- Abandoned Vehicles

Reports of the above anti-social behaviour can be made to the Council in the following ways:

- Telephone: (01229) 876423 or 876520
- Email: safeandstrongteam@barrowbc.gov.uk
- Complete ASB Diary Sheets (collect from Town Hall reception or contact Safe & Strong Communities Team on 01229 876520 or 876423)
- In writing to: Safe & Strong Communities Team, Town Hall, Duke Street, Barrow-in-Furness, Cumbria LA14 2LD

Reports of ASB can be made by a third party, for example by a Local Councillor, Member of Parliament, or social worker. If a report is made via a third party we will seek the consent of the reporter to communicate and share information with the third party.

We do not accept reports of ASB by social media, e.g. Facebook

1.3 What types of reports will be investigated?

Anti-social behaviour can mean different things to different people and may or may not include criminal activity.

Types of behaviour that the Council considers to be anti-social include:

- Challenging anti-social behaviour causing offence, distress, annoyance or harassment
- Dog Fouling
- Fly Tipping
- Abandoned Vehicles

With reference to this ASB policy, the following matters **will not** be investigated:

- Actions that are considered to be normal everyday activities or household noise.
- Children playing ball games, unless the children are also engaged in associated ASB.
- Reports related to people staring with no other associated ASB.
- Actions which amount to people being unpleasant to each other but are not sufficiently serious considering the likely harm caused to justify our involvement.
- Cases of illegal drug use, production or supply when there is no associated ASB. Residents will be advised to report such issues to Cumbria Police.
- Environmental or other housing issues such as noise nuisance, overcrowding and disrepair will be investigated by our Public Protection Team, contact environment@barrowbc.gov.uk

The lists above are not exhaustive. Officers of the Council will exercise judgement in order to establish an appropriate response.

1.4 Anonymous Reports

The Council always prefers to have direct contact with the person experiencing the ASB (“the reporter”) to understand the problems they are experiencing, offer appropriate support and provide updates regarding the investigation. Officers will investigate an anonymous report if the report can be substantiated and will make reasonable attempts to substantiate the report.

1.5 How are anti-social behaviour reports prioritised?

Reports of ASB are prioritised at point of contact. This involves confirming the allegation and asking a series of short questions to assess the potential risk of harm caused by the ASB. Reports of ASB are then allocated to a named Investigating Officer.

If the ASB involves the use or threat of violence or there is a significant risk of harm i.e. a hate crime/incident, an officer will aim to contact the reporter within one working day. For all other reports of ASB an officer will aim to contact the reporter within five working days.

2.0 REFERRALS TO OTHER AGENCIES

Investigating Officers will make referrals to other Council departments or agencies as appropriate in the course of their investigation. Any referrals made will involve the Investigating Officer seeking consent from the individual concerned, unless there is an overriding safeguarding concern in relation to a vulnerable adult or child.

3.0 ANTI SOCIAL BEHAVIOUR INVESTIGATION

3.1 Interviewing the reporter

When a report of ASB is made, the Investigating Officer will interview the reporter to confirm all relevant facts and an action plan will be discussed. As part of the action plan, the reporter will be expected to keep an accurate record of any further incidents of anti-social behaviour and report any further incidents to the Investigating Officer. The officer will attempt to complete an ASB Vulnerability Risk Assessment with all reporters (not acting within their professional capacity e.g. police officer) to assess the reporter's vulnerability to the ASB they are experiencing.

3.2 Wider Investigations

Investigating Officers will usually conduct a wider investigation which may involve contacting other potential reporters or witnesses, in addition to making enquiries with any relevant Council departments or partner agencies such as Cumbria Police.

3.3 Interviewing the alleged perpetrator

During most investigations (except where a without notice injunction is being considered), contact will be made with the alleged perpetrator. The alleged perpetrator will be given a fair opportunity to respond to the ASB allegations. The Investigating Officer will explain the consequences of perpetrating ASB and summarise the next steps in the investigation.

3.4 Counter Allegations

Investigating Officers will conduct a proportionate investigation into any counter allegation that is considered to be ASB. Feedback will be provided to the person making the counter allegation.

4.0 ANTI SOCIAL BEHAVIOUR ACTIONS

4.1 Levels of Evidence

Most ASB investigations take place within a civil law framework which means a civil standard of proof is applicable. The Investigating Officer needs only to be able to demonstrate that the incident(s) is more likely than not to have happened.

When civil legal action has been taken and a Court Order has been disobeyed i.e. breach of an Injunction order, Closure Order or prosecution for breach of a Community Protection Notice, the criminal standard of proof applies. This means that the Investigating Officer will need to demonstrate that the incident(s) happened "beyond reasonable doubt".

4.2 Insufficient Evidence

During the course of an investigation there may be a number of reasons why an Investigating Officer cannot take action. These reasons may include:

- Establishing that the incident did not happen
- Not having enough evidence to prove the matter to the relevant standard of proof
- Finding the issues reported to be not what the Council considers as antisocial
- Not being able to investigate fully due to non-cooperation of the reporter / witness
- The ASB has stopped and the likelihood of further ASB is low

The Investigating Officer will inform the reporter at the earliest opportunity if they determine that they cannot take action or further action and will close the case.

4.3 Determining Appropriate Anti-Social Behaviour Actions

The Investigating Officer will assess each case on the information available and the actions taken will be proportionate and bespoke to the circumstances of each case. Typically Investigating Officers will use informal methods to try to resolve a report of ASB in the first instance. However, in priority cases, such as when there has been a use or threat of violence, legal action may be the first course of action.

4.4 Informal methods

Investigating Officers may consider using informal methods such as:

- Mediation
- Restorative Meetings
- Providing information and advice
- Investigatory interviews
- Warning Interviews
- Acceptable Behaviour Agreements / Contracts
- Referrals to partners / support agencies

4.5 Legal actions

Investigating Officers may consider applying for legal action such as:

- Injunction (including powers of arrest)
- Criminal Behaviour Order
- Community Protection Notices
- Closure Order
- Breach Proceedings
- ASB Possession Proceedings (within our landlord capacity only)

There may be other informal methods and legal actions that the Investigating Officer considers are appropriate dependent upon the circumstances of the case.

4.6 Justification

Officers will justify the use of informal methods and/or legal actions with reasons.

4.7 Manager Review

If the Investigating Officer considers it appropriate to proceed with legal action the case will be reviewed by the ASB Team Manager or the Community Safety Lead prior to making a referral to legal services for legal advice. The Investigating Officer will always consider the legal advice received prior to instructing a solicitor to proceed with a legal application. Such advice is legally privileged and therefore will not be disclosed.

5.0 ANTI SOCIAL BEHAVIOUR CASE CLOSURE

5.1 Reasons for Case Closure

Investigating Officers will close cases in a timely manner so that cases are not open longer than necessary. The Investigating Officer will communicate with reporters and partners when resolutions have been reached, or a case is closed and ensure accurate recording of cases.

6.0 REPORTER SATISFACTION SURVEYS

The Service will endeavour to complete a short survey with every reporter or witness (not acting in a professional capacity e.g. police officer) to check they are satisfied with the service they have received. The manager will be made aware of any circumstances when the feedback received is not satisfactory.

7.0 COMMENTS AND COMPLAINTS

If anyone is dissatisfied with the anti-social behaviour service they have received from the Council, please email: safeandstrongteam@barrowbc.gov.uk

Community Trigger

The Community Trigger is a process you can use to ask agencies (the Police, Council and registered housing providers) to review their response to anti-social behaviour or hate incidents you have reported. Visit our website for more information: <https://www.barrowbc.gov.uk/residents/public-protection-services/environmental-protection/community-trigger/>

What is the Community Trigger?

If someone has reported Anti-Social Behaviour but no action has been taken, you will be able to tell us about it under the Community Trigger.

The reporting threshold is:

- You have reported three or more incidents relating to the same problem in the past six months to the Council, Police or your landlord, and no action has been taken; or
- You have made five reports about the same problem in the past six months to the Council, Police or their landlord and no action has been taken; or

- One incident or crime motivated by hate in the last three months and no action has been taken.

What is not suitable for a Community Trigger?

If someone has reported Anti-Social Behaviour and received a service but the problems are ongoing;

- Contact the agency you are working with to tell them what is happening.

If you have reported Anti-Social Behaviour and received a service but you're unhappy with the service received or action taken:

- Submit a complaint under the agency's complaints procedures.

8.0 REVIEW PERIOD

This Policy and Procedures Statement will be reviewed periodically or in line with changes in relevant legislation.

Barrow Borough Council

ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURES

Statement

1.0 Strategic Overview

The Council Plan sets the vision for the Borough over the next three years. One of our key aims is to be a place where residents from all backgrounds feel safe, can aspire and live well. Barrow Borough Council's approach is to become more proactive, pre-emptive and creative focusing on a person's or community's strengths and opportunities.

The first thematic priority of our Safe & Strong Communities Team is to tackle anti-social behaviour (ASB) through a triple track approach of early intervention and prevention, non-negotiable support and strong enforcement action when necessary. We aim to strengthen community capacity to resolve issues, protect and support victims and use informal and formal tools and powers to tackle anti-social behaviour. By working together we are building more resilience in communities to challenge the corrosive effect of anti-social behaviour, intimidation and harassment caused by a minority of people.

The Council, along with our community safety partners, is committed to tackle and prevent ASB. This includes helping people become less dependent on services. Reducing the demand that reoffending, anti-social behaviour, domestic violence and abuse perpetrators place on services allows the Council and partners to focus resources on other priorities.

The Anti-Social Behaviour Act 2003 places a legal requirement on all social landlords to publish an Anti-Social Behaviour Policy and Procedures Statement. This document fulfils this legal requirement specifically relevant to non-secure tenants living in the Council's temporary accommodation dispersed properties across the borough.

This statement is also applicable to ASB investigations in the private sector where there is no link to the housing management function of the Council or another social landlord. This policy is written having regard to the Council's overarching corporate enforcement policy. The Council will enforce anti-social behaviour legislation in a fair, equitable and consistent manner. Firm action will be taken against those who flout the law or act irresponsibly.

The Council applies a harm centred approach to tackling anti-social behaviour. The Council will consider the harm caused to individuals and communities along with the type of anti-social behaviour reported and the available evidence to determine a course of action that the Council deems appropriate.

Through applying solid effective ASB case management principles, starting at the point of contact and continuing throughout the management of a case, officers will take action that is appropriate and proportionate to the harm caused to the victim or witness, the nature of the complaint and the quality of evidence available.

The focus of our casework will be as much about supporting the complainant or witness of ASB as work around the alleged perpetrator.

The key issues that officers will consider throughout ASB casework processes will include resolving issues at the earliest opportunity, protecting individuals and communities, stopping

and changing the offending behaviour where possible and keeping an emphasis on the complainant or witness.

This statement specifically focuses on anti-social behaviour and does not include issues that should be investigated in relation to other legislative frameworks.

2.0 Definitions of Anti-Social Behaviour

The Council adopts the definitions of anti-social behaviour as outlined in the Anti-social Behaviour, Crime and Policing Act 2014:

a) Non-Housing Related Anti-Social Behaviour

For anti-social behaviour in a non-housing related context anti-social behaviour is considered to be conduct that caused, or is likely to cause harassment, alarm or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre or local park, and where the behaviour does not necessarily affect the housing management functions of a social landlord.

b) Housing Related Anti-Social Behaviour

For anti-social behaviour in a housing context; anti-social behaviour is considered to be conduct that is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing related nuisance or annoyance to any person.

The Council will also consider any anti-social behaviour definitions as stated in an individual's tenancy agreement or lease with the Council when taking actions to manage anti-social behaviour.

2.1 Types of Anti-Social Behaviour

Anti-social behaviour can mean different things to different people and may or may not include criminal activity. We will take action to investigate reports made by our residents, visitors to the borough, our employees and contractors. We will also accept referrals from third parties such as a Local Councillor, Member of Parliament, Cumbria Police and other departments within the Council.

Types of behaviour that the Council may consider to be anti-social include:

- Hate crimes / Hate Incidents
- Use or threatened use of violence
- Repeated abusive language or behaviour
- Harassment
- Damage to property
- Domestic abuse

When domestic abuse is reported to us we will complete a Domestic Abuse Stalking and Harassment (DASH) Risk Assessment and if appropriate, with the consent of the victim, will make a referral into the Multi Agency Risk Assessment Conference (MARAC) and subsequently attend the MARAC to present the case. If the victim does not consent to the MARAC form being completed, but the ASB Investigating Officer is concerned that there is a

serious risk of harm to the victim, the form will be completed by the Investigating Officer and referred into the next MARAC meeting. It will be noted on the referral form that the victim's consent was sought but not obtained. MARACs are held on a monthly basis with the aim of reducing the risk of death or serious injury to high-risk victims of domestic abuse. This is done by identifying those most at risk and trying to keep them safe by sharing information and putting action plans in place to reduce and manage the identified risks.

When the threshold for a referral to the MARAC is not met Investigating Officers will encourage domestic abuse victims to speak to specialist domestic abuse services and will safely provide information on how to access these services. Investigating Officers will determine if there are potentially any child safeguarding risks to children and make appropriate referrals.

Investigating Officers will be mindful of the need to ensure that domestic abuse victims are supported in accessing remedies specifically designed to deal with domestic abuse (for example non-molestation orders, Domestic Violence Protection Notices/Orders).

The use of measures designed to tackle ASB will normally be used only when Cumbria Police have been consulted and there is no other option available in order to provide protection and prevent the impact on the wider community.

This list of types of anti-social behaviour the Council will investigate is not exhaustive and this policy is not an undertaking to act in every such circumstance. Officers of the Council will, in all reported cases, exercise their judgment in order to establish an appropriate response to the report of anti-social behaviour including what has happened, the harm caused or risk of harm, the frequency of incidents, the evidence available and any known vulnerabilities of the people involved.

2.2 What the Council will not investigate

The Council is committed to developing and supporting cohesive communities across the borough and expects a reasonable level of tolerance between neighbours and others within our communities. Residents are encouraged, where possible, to try to resolve their disputes themselves without the need for the Council to be involved. Officers will seek to make a fair evaluation on whether complaints made are reasonable and are determined to constitute alleged anti-social behaviour. Examples of the types of reports that the Safe and Strong Communities Team will not investigate as anti-social behaviour allegations include:

- Actions that are considered to be normal everyday activities or household noise, for example children playing inside or outside their property
- Children playing ball games, unless the children are also engaged in associated anti-social behaviour e.g. verbal abuse, criminal damage
- Complaints related to people staring with no other associated anti-social behaviour
- Actions which amount to people being unpleasant to each other but are not sufficiently serious, considering the likely harm caused, to justify our involvement
- Cases of illegal drug use, production or supply when there is no associated anti-social behaviour. Residents will be advised to report such issues to Cumbria Police.
- Environmental issues such as noise nuisance, overcrowding and disrepair. Officers within our Public Protection Team are responsible for investigating these types of issues.
- Parking with no other associated anti-social behaviour.

When determining if a report is considered to be anti-social behaviour or not, officers will exercise professional judgement. If an officer determines that the complaint does not constitute anti-social behaviour they will inform the complainant at the earliest opportunity, advising them that no ASB action will be taken. The officer will provide advice and sign posting information if appropriate.

3.0 How cases are prioritised

The Council will prioritise reports of anti-social behaviour involving the use or threatened use of violence to person or property and / or reports involving significant harm or risk of harm to individuals, families or neighbourhoods e.g. hate incidents. These types of cases will involve making urgent contact with the complainant and consideration of applying for an Injunction without giving prior notice to the perpetrator.

All other reports of anti-social behaviour will involve a standard response time and these cases will usually involve informal actions, such as an interview with the alleged perpetrator, to try to resolve the report of anti-social behaviour without the need for legal action. When individuals fail to change their behaviour despite being given the opportunity to do so and their behaviour continues to have a negative impact upon the quality of life of another person the officer may decide that it is appropriate to take legal action.

Officers will review the approach to a case dependent upon what is reported to them and any other new information presented to them. A standard response case may become a priority case and vice versa.

4.0 Cross Tenure Issues

This policy applies to reports of anti-social behaviour affecting the Council's landlord housing management function and to reports of anti-social behaviour in the private sector i.e. involving home owners, private tenants and anti-social behaviour that takes place in an area where there is no link to the housing management function of the Council or a social housing provider. There will be times when reports of anti-social behaviour will need to involve other social housing providers because either the complainant or the alleged perpetrator are tenants of that organisation. When these types of reports are made to the Council the ASB Investigating Officer will discuss with the relevant organisation who will take a lead role in coordinating specific actions and this information will be shared with everyone involved in the anti- social behaviour report.

Cumbria Police may also investigate reports of anti-social behaviour across all tenures, particularly when there is an allegation that a crime has been committed. The Council will work in partnership with Cumbria Police to investigate and tackle anti-social behaviour in our communities.

5.0 Expectation of our tenants

The Council expects our tenants to act responsibly, respect others and not to engage in anti-social or criminal behaviour. We consider that our tenants are responsible for their own behaviour, the behaviour of those people who live with them and the behaviour of people who visit their property. Informal and/or formal action may be taken against a tenant to address the behaviour of others who live with them or visit their property.

6.0 Victim / witness support

Victims and witnesses (Reporters) are at the centre of the action we take to investigate and resolve reports of anti-social behaviour. All Reporters will be provided with a named officer who will be responsible for investigating their report. Support to Reporters will be assessed individually with each Reporter that engages with us to ensure that the support offered is tailored specifically to individual needs.

A harm centred approach is taken, which means that in addition to considering the type of anti- social behaviour we will consider the impact that anti-social behaviour is having on individuals, families and neighbourhoods to understand the harm that is being caused. We will do this by completing an ASB Vulnerability Risk Assessment with complainants (not acting in their professional capacity i.e. police officer). In some cases when a neighbourhood is experiencing anti- social behaviour we may conduct a Community Impact Statement involving information from residents and partners.

Dependent upon the outcome of the ASB vulnerability risk assessment it may be agreed that further actions to help manage or reduce the risk of harm is appropriate. Type of actions may include a referral to a victim support service, additional contact from the ASB Officer, asking if the police could carry out additional patrols or conduct reassurance visits, making a referral to another service or agency e.g. Adult Safeguarding, Drug and Alcohol Services, Mental Health Services.

Sometimes anti-social behaviour reports are made to the Council anonymously, usually because that person genuinely fears reprisals if they were identified as having made a complaint.

We always prefer to communicate directly with people who are experiencing anti-social behaviour. This helps us to gain an understanding of the problems they are experiencing, allows us to assess the risk of harm and means that we can provide updates regarding the progress of their report and actions taken. A complainant's identity will not be disclosed to the alleged perpetrator without seeking consent from the complainant to do so. In some cases we do not need to provide the alleged perpetrator with the complainant's identity at any stage within the case. In other cases, specifically if the complainant has had direct contact with the alleged perpetrator, it may be obvious to the alleged perpetrator who has complained.

If an anonymous report of anti-social behaviour is received we will attempt to investigate the report. This may involve checking our internal records for any previous reports, contacting residents who live in the immediate area to ask if they have experienced any problems and asking our partners, such as Cumbria Police, if they are aware of any relevant information. We are unlikely to make any contact with the alleged perpetrator if we cannot substantiate the anonymous report of anti-social behaviour.

7.0 Support for vulnerable perpetrators

We recognise that some perpetrators may have support needs. When we are made aware by the perpetrator or by any information made available to us that a person has or may have a support need we will explain our concerns and invite the perpetrator to discuss their needs with us and seek their consent to make a referral(s) to an appropriate Council department or external organisation on their behalf if appropriate. If the perpetrator is already engaged with a support service we will discuss with the perpetrator sharing relevant information with the support service.

We reserve the right to make a referral to Adult Social Care, Children's Services or the police, including a safeguarding referral, without the permission of the individual (s) concerned where the situation and provision of the Data Protection Act and any other legislation justifies it.

If a perpetrator of anti-social behaviour refuses to or stops engaging with an appropriate support service without a reasonable excuse or if they accept support but the anti-social behaviour continues, the Council will consider taking legal action. If the Council decides to apply for an Injunction or a Criminal Behaviour Order we will consider applying for a positive requirement for the perpetrator to attend an assessment and/or engage with a specific Council department or external organisation.

In some priority cases, when a decision is made to apply for urgent legal action, an invitation to the perpetrator to discuss any support needs may take place after the legal application has been made.

If during the time the ASB report is open to our service we are made aware that the perpetrators needs have changed we will consider this new information and offer to make any further appropriate referrals.

We will carefully consider and justify our actions, with a focus so as not to disadvantage those protected by the Equality Act 2010.

8.0 Preventive Action

Whenever possible the Council will take action to prevent anti-social behaviour from happening in the first place. Examples of how we may do this include, but are not limited to:

- Completing pre-tenancy checks, housing people appropriately and having a robust sign-up process with clear expectations of behaviour.
- Working with partners to identify areas of concern and planning coordinated targeted actions.
- Supporting the delivery of targeted youth provision.
- Considering any environmental improvements that may reduce the likelihood of anti-social behaviour taking place.
- Delivering training to partners and community groups regarding anti-social behaviour and community safety issues i.e. hate crime third party reporting centre training.

9.0 Informal Action

The Council's aim is to intervene early to stop and prevent cases of anti-social behaviour escalating. The informal interventions that may be considered are:

- Mediation - an early intervention tool to support parties to resolve a conflict or dispute
- Restorative Meetings – a way to acknowledge and repair harm following an incident of anti- social behaviour or crime
- Providing information and advice.
- Investigatory interviews – where an Investigating Officer assesses whether an incident of anti-social behaviour has taken place.

- Warning Interviews – where an Investigating Officer, on the balance of probabilities, is satisfied that an anti-social behaviour incident has taken place and will therefore explain the consequences of continuing to act in an anti-social manner.
- Acceptable Behaviour Agreements / Contracts – an agreement with an individual which sets out what they will or will not do in the future. The Investigating Officer may also include any actions they may take i.e. referral to a support service. This type of agreement or contract will usually be used with a young person aged 10 – 17 years or a vulnerable adult.
- Referrals to colleagues/ partners / support agencies.

10.0 Legal Action

The Council may consider taking legal action when anti-social behaviour continues following an attempt to resolve the ASB informally. In priority cases involving the use or threat of violence towards person or property and or where there is serious risk of harm, we may not take any informal actions and instead take legal action in the first instance. Examples of legal actions that we may consider include:

- Injunction (including powers of arrest) – An order that can be granted against an individual aged 10 or over. An Injunction is designed to stop or prevent individuals from acting anti socially, quickly nipping anti-social behaviour in the bud before it escalates.
- Criminal Behaviour Order – An order that can be granted against an individual aged 10 or over upon conviction of a criminal offence. These orders are to tackle those who persistently engage in criminal anti-social behaviour.
- Community Protection Notices – A Notice that aims to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
- Closure Order – An order that can be granted to quickly close premises, restricting who can access a premises, which is being used, or likely to be used, to commit nuisance or disorder.
- Breach Proceedings – Action to enforce the above powers. Cumbria Police and the Crown Prosecution Service take the lead in enforcing a breach of a Criminal Behaviour Order.
- Any other legal action which could be taken with the support of Cumbria Police/Crown Prosecution Service i.e. Restraining Order

We will also consider Public Space Protection Orders when it is considered the most appropriate tool to address a place based anti-social behaviour issue and work with Cumbria Police to consider other potential solutions such as use of the Dispersal Power or Restraining Orders.

In our capacity as a landlord the Council may also take ASB possession proceedings. Prior to deciding to proceed with a claim for possession we will give our tenants a right to reply to the anti- social behaviour allegations.

The Council has no basis to seek possession of a property where we are not the landlord.

The use of informal and legal action will be decided by the Council having considered the circumstances of each individual case and will be proportionate to the type of anti-social behaviour and risk of harm.

Generally, we would wish to obtain agreement with complainants about the particular actions to be followed. There may be occasions where the complainant would wish that the Council

takes no specific action on their report. The situation may however be serious enough that we feel we have little option to pursue against their wishes. In such circumstances we will take appropriate measures to protect all those affected.

In some circumstances and if the situation is appropriate the Council may be unable to progress an anti-social behaviour case if a complainant refuses early intervention actions. The Council will decide and take whatever action we consider to be most appropriate.

11.0 Publicity

Publicity is an essential part of tackling anti-social behaviour in terms of:

- Reassuring the community that the Council and partners work together and take reports of anti-social behaviour seriously
- Reassuring complainants, witnesses and the wider community that successful action has been taken to tackle anti-social behaviour
- Publishing individual cases so that breaches of orders obtained can be reported to the relevant organisation
- Making it clear to perpetrators that the Council will not tolerate anti-social behaviour and will take action to protect others.

In circumstances when a Court has not imposed reporting restrictions, and the Council considers it to be necessary and proportionate, a press release or other publicity material, such as an information leaflet, may be issued when the following orders have been granted or a Notice has been served. The Council may also issue a press release if the Court finds that any of these orders/ Notice has been breached:

- Final Injunction Order
- Final Criminal Behaviour Order
- Closure Order
- Anti-Social Behaviour Possession Order
- Community Protection Notice

The press release will be factual and may give the name, age and address of the individual against whom the order has been made or the breach occurred, the anti-social behaviour they have been involved in and the terms of any order or sentence.

The decision to publicise will be considered carefully based on the facts of each case. The Council will consult with relevant partners such as Cumbria Police if an individual is engaged with services, including Youth Justice in respect of young people, to consider the following:

- Whether or not the court imposed any reporting restrictions
- The circumstances of the case
- The need for the public to be made aware of the order
- The need to publicise personal information
- The vulnerability of the individual
- Any likely consequences of publicising the order
- Where and how the order will be publicised

The final decision to publicise an order will be made by the Head of People & Communities. From time to time the Council may include anonymised case examples in reports to the Community Safety Partnership Board, Overview and Scrutiny Committee, in other internal and public documents and on the Council's website.

The Council may also engage in other media coverage as deemed to be appropriate.

12.0 Multi Agency Working

Often anti-social behaviour cases require involvement from other Council departments and other agencies. We work closely with other enforcement agencies such as the police, registered providers and other local authorities. It may be that these agencies have access to a more appropriate enforcement action.

We also work with support services including services within the Council including safeguarding and early help teams, youth justice, education, health (including mental health) and youth services. We recognise that both complainants and perpetrators may have support needs and we want to offer referrals to support services when appropriate. We may work with other partners such as Cumbria Fire and Rescue Service, offender management services, and voluntary organisations when a specific issue arises e.g. an allegation of young people setting fires would involve us liaising with Cumbria Fire Service.

We may discuss reports of anti-social behaviour at a multi-agency forum to ensure that a coordinated response is taken involving the relevant partners to resolve the anti-social behaviour problem. Types of forums in the borough include:

- ASB Hub meetings
- Community safety partnership meetings
- Multi Agency Risk Assessment Conference (MARAC)
- MAPPA (Multi Agency Public Protection Arrangements)
- Child protection conferences
- Ad-hoc meetings to discuss individual cases

13.0 Information Sharing and Confidentiality

We will treat all information received with the strictest of confidence. In the first instance the best interest and wishes of the complainant will drive the actions we take. It is important to understand that in certain circumstances we may have a legal obligation to share relevant information with other statutory agencies e.g. if there is a serious safeguarding concern.

If we consider it important to access specific information from independent professionals in order to assess how we deal with a case we will ask the reporter for their written consent to do so, unless there is an urgent overriding safeguarding concern involving a risk of harm to either the reporter another person.

Anti-Social Behaviour information is recorded on a secure case management system and case files are stored securely. Data is held in accordance with the Council's data retention and destruction schedule.

We have a duty to share information with relevant agencies as defined in the Crime and Disorder Act 1998. We will share information with accordance to the Data Protection Act 2018 and data sharing principles.

14.0 Training and Service Development

The Council is committed to continually reviewing the service we provide so that we can identify and share practice and identify any service improvements. Ways in which we continue to develop include facilitating internal and external staff training, conducting regular case reviews between Investigating Officers and managers, along with group case supervision and consulting with the public when significant changes are made to the service. Our performance is monitored through a range of indicators including number and types of cases, customer response times and the types of informal and formal ASB actions. We have recently introduced a customer survey which we will undertake with ASB complainants and consult with residents before making any significant changes to Council services.

15.0 Availability of the Anti-Social Behaviour Policy and Procedures Statement

A copy of this Anti-Social Behaviour Policy can be found on the Council's website <https://www.barrowbc.gov.uk/the-council/corporate-documents/>

Please contact the Safe & Strong Communities Team if you require a translated copy of the Statement and Summary or a copy in an alternative format (i.e. Braille and large print).

16.0 Review of Policy and Procedures Statement

This Policy and Procedures Statement will be reviewed periodically or in line with changes in relevant legislation.