



ADUR & WORTHING  
COUNCILS

# **Anti-Social Behaviour Policy**

## **April 2025**

**Adur & Worthing Councils**

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## 1. Purpose & Scope

1.1 Adur & Worthing Councils are committed to creating communities that are safer, stronger, fairer and where residents can live their lives well. We want to ensure that anyone who lives, works or visits can do so, free from anti-social behaviour (ASB) and other behaviours that can impact quality of life and enjoyment of our spaces.

1.2 The purpose of this policy is to set out how Adur & Worthing Councils, in partnership with other agencies, will work to prevent and tackle ASB that impacts our residents either in their homes or in public spaces.

1.3 Adur & Worthing Councils will work with partners to help promote social, environmental and economic wellbeing in our communities to create neighbourhoods, commercial and leisure spaces that are safe and enjoyable places to live, work and socialise. We will draw upon a variety of informal, formal and legal remedies to prevent and reduce anti-social behaviour.

1.4 Adur & Worthing Councils recognise that ASB can have serious impact on individuals and communities and are committed to taking the appropriate action against those who engage and continue to engage in such behaviour.

1.5 This policy will outline the role that Adur & Worthing Councils has when it comes to addressing ASB and the principles we will apply in the management of reported incidents of anti-social behaviour including how we will:

- Promote methods of reporting ASB
- Record and respond to complaints
- Assess the risk to individuals
- Collate evidence and share intelligence
- Engage with partners to solve problems and take action to prevent further harm from ASB.
- Ensure complainants are kept updated of the progress of their complaint.
- Clearly sign post complainants to our ASB case review process

## 2. What is ASB?

2.1 Section 2 of The anti-social behaviour, Crime and Policing Act 2014, defines ASB as:

- a) Conduct that has caused , or is likely to cause, harassment alarm or distress to any person
- b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or,
- c) Conduct capable of causing housing related nuisance or annoyance to any person.

2.2 The Act does not specify which types of behaviour this might include but in addition to the definition in the Act, professionals consider it to be conduct of a **persistent or**

**continuing nature** that is having a detrimental effect on the quality of life of those living or working in the locality.

2.3 We take a casework, problem solving approach and therefore have to be satisfied that there is a **pattern** of behaviour that without some kind of intervention, will continue to have a detrimental impact. We cannot respond to “one off” incidents but we will always attempt to provide advice, guidance or sign posting if we are unable to help.

2.3 The lack of a specific definition makes it difficult to provide a definitive list of what we can and can't take action on, since what is 'detrimental' to one person might not be for another and therefore, any case could be a mixture of elements that together might result in enforcement action being taken.

2.4 Professionals will consider each case on its merits and aim to be mindful of when it is **reasonable** to take formal action. Any action we take must also be **proportionate**. Therefore there are two elements to consider; is there evidence of behaviour taking place that is having a negative impact on the quality of life of a person or people and secondly, is the nature and frequency of the behaviour such that intervention from the councils is necessary and proportionate? We must consider from the outset of attempting to resolve the issues, how our intervention would be perceived in a court of law.

2.3 The councils have a responsibility to use an incremental approach to resolving nuisance and ASB. Many reports made to us can be dealt with informally and often won't result in enforcement action being taken. When this is the case, we will provide a clear explanation of our rationale.

## **2.4 Categories of ASB:**

2.4.1 ASB might affect people in their own homes, their place of work or whilst they are spending time in the community. Different types of behaviour can have varying levels of impact from feeling directly targeted to feeling unsafe and reluctant to spend time in public places. We therefore categorise ASB as:

- **Personal Harm** - Behaviour that is targeted or there are clear, identified victims who are suffering physical or emotional harm.
- **Environmental Harm** - Harm to public amenities or that makes an area less safe- for example, fly tipping graffiti, criminal damage to amenities
- **Public Nuisance** - ASB that is not directed at individuals but is likely to cause harm - for example groups of young people or adults who are drinking and swearing in public.

## **Examples of anti-social behaviour include:**

- Shouting and screaming and distressing vocal noise at unsociable hours
- Drug use, drug dealing, and associated disorder
- Drunken behaviour when it leads to aggression

- Threats, hostility and intimidating behaviour, i.e. verbal abuse, name calling
- Loud music, TV or gaming noise especially at unsociable hours
- Deliberate damage to property

**ASB is not:**

- Non ASB related criminal matters
- Domestic abuse incidents
- Children playing loudly
- Disputes between children
- 'Lifestyle' noise, such as using the toilet at night, babies crying, washing machines or hoovers being used during acceptable hours
- DIY/building work during acceptable hours
- Parking disputes/cars parked legally
- Occasional parties or fireworks
- Cooking smells
- Disputes over boundaries
- High hedges complaints (which are the subject of their own procedure <https://www.adur-worthing.gov.uk/planning/enforcement/high-hedges/>)
- Residents feeding seagulls on their own land unless there is a public health issue that impacts the wider community
- Traffic noise
- People sleeping rough, unless there is associated ASB.
- One off or infrequent, sporadic incidents

2.4.2 On occasion, conflict arises due to differing lifestyles - for example, a young family that goes to bed early, living alongside a neighbour who likes to game until 11pm. ASB enforcement is not designed to resolve this kind of situation. It would not be proportionate or reasonable to use our tools and powers to address these kinds of lifestyle differences.

It may be possible to address some of the issues above through mediation and where appropriate, Sussex Police are able to refer cases for resolution through the locally commissioned mediation service. We will work with victims and police to support this route if the parties involved feel it is an appropriate course of action.

2.4.3 In some cases, ASB or noise nuisance can be a consequence of domestic abuse or violence. Where our investigations determine this to be the case, we will prioritise the safety of the victim(s) and will make the appropriate safeguarding referrals.

2.4.4. AWC cannot intervene in disputes between members of individual households, commonly referred to as neighbour disputes. Disputes between individuals do not amount to criminality or anti-social behaviour and in such circumstances, parties will be advised to seek their own resolution at their own expense unless there is wider community impact.

2.4.5 Matters such as those outlined above, will be assessed on a case by case basis. The councils will inform you whether they are able to assist and where appropriate, ask for consent to refer the case on to another service or agency.

## **2.5 Noise Nuisance**

2.5.1 Noise issues from one property affecting another are normally investigated by the Public Health & Regulation Team to determine if a statutory nuisance exists. A Statutory Nuisance is something that causes unreasonable and substantial interference with the use or enjoyment of premises. If the noise is a one off or occasional event, it is unlikely to be a statutory nuisance. The following are examples of noise which are investigated

- amplified noise (e.g. loud music or television)
- animal noise (e.g. barking dogs, cockerels)
- construction or demolition noise
- alarms (e.g. from cars or property)
- commercial or industrial noise (e.g. from a pub or shop)
- prolonged DIY or car repair noise
- equipment in the street

If the noise is not one listed above, or only happens occasionally, the Public Health & Regulation Team is unlikely to be able to take any action.

2.5.2 We will ask you to keep a diary of noisy events, usually for a period of up to two weeks. Completed sheets should be returned for analysis. If these show that a statutory nuisance is likely, then we will write to the alleged perpetrator and if the noise continues thereafter, try to witness the noise either by leaving monitoring equipment at your premises or making up to three visits.

2.5.3 Where necessary we will liaise with other departments to try and resolve issues. For example, sometimes a case will be jointly worked by the Public Health & Regulation and the ASB team.

2.5.4 Where our investigations show a statutory nuisance does not exist, but the noise is causing severe annoyance to those in the locality, then we will consider the use of Community Protection Warnings and Notices.

## **2.6 Adur Homes/Social Housing Tenants**

ASB affects our residents regardless of whether they own their own homes, rent privately or rent from a social landlord. Where an alleged perpetrator is a social housing or private tenant, we would expect the landlord to have an active role in resolving the issues. This is not to say that the ASB Team has no role in these cases, only that we would expect landlords to tackle ASB as part of their own tenancy management approach.

Where Adur District Council is the social landlord receiving a complaint of ASB regarding our tenant/s. The landlord service will investigate in accordance with the processes and procedures set out in this ASB policy and procedure guide.

Early intervention will seek prompt resolution of ASB behaviour. We will support neighbour and community relations by supporting referrals for mediation. If ASB persists we will take

action against the tenant perpetrators of ASB, referenced in this policy including injunctions, property closure orders. Community protection notices and Criminal Behaviour orders.

The council's landlord service actions in regards to its tenants could include, extending the period of introductory tenancies, tenancy warning letters, acceptable behaviour contracts, notices seeking possession, and in serious cases possession action leading to the eviction of the tenant.

### 3. Investigation and Casework

3.1 Reports come to the councils from a variety of sources, either directly to us from residents, from other services within the councils, or other agencies we work with, e.g.: Police, social landlords, community groups etc. Regardless of the source of the report, our first step is to ascertain whether the case is something we should investigate further. It is important that we do not lead complainants to believe that the councils are able to help resolve the issue concerning them, if it is not something that the councils should be involved in, as this can cause further distress.

3.2 Sometimes it is clear that there is no role for the councils and we do not need to investigate further. For example, a report about the neighbours' children making noise on a trampoline would not fit the description of 'ASB' despite it perhaps causing annoyance, and the complainant will be advised that there will be no further action from the councils.

3.3 Resolving ASB is a joint effort between the complainant, the councils and usually other partners such as the police and other statutory and voluntary agencies. We need the complainant to work with us to establish the extent and nature of the ASB to enable us to take appropriate action. In simple terms, once we receive a complaint we will gather as much information as we can to enable us to understand the situation better, and assess whether or not the complaint fits the criteria for 'ASB'.

3.4 We can't progress an investigation if we don't have the information and evidence we need. We will need the complainant to provide us with specific information, through the correct channels in order to identify the right tools, powers and interventions that will provide a resolution to the complaint. We will need **the complainant to:**

- Report incidents of ASB in a timely manner.
- Report criminal activity to the police via 101 or 999.
- Keep a detailed diary of events in a suitable format that and that we can read/use e.g. written or recorded.
- Keep any appointments we set up with you.
- Consider mediation and/or other signposting.

This enables us to build a picture of what is happening and establish whether or not the issue is persistent/ frequent.

3.5 The councils will also endeavour to establish the nature and extent of the ASB. This could include:

- Liaising with other council services
- Consulting with the police and other external partners such as housing providers, Social Care, Health Services and voluntary organisations
- Distributing ASB surveys to see who is impacted and to encourage reporting
- Holding engagement events at the location of concern

We never - under any circumstances - divulge details of complainants to alleged perpetrators unless you wish us to do so.

We will make our own enquiries with the information provided. For example we may ask the police if the alleged perpetrator is known to them.

3.6 The councils recognise that people are impacted by ASB in different ways and to varying extents. We need to understand how at risk the victim is from the behaviour so that we can prioritise the right action, by the right agency, at the right time. We do this using a standard risk assessment tool that will tell us whether the risk is standard, medium or high. We prioritise interventions to reduce the risk to victims and witnesses in a timely manner and recognise that medium and high risk cases can be complex. In such cases, we will work to co-ordinate interventions from all relevant partners and organisations.

3.7 If a complainant is assessed as being 'medium' or 'high' level of risk, this triggers a referral to the Hate & ASB Risk Assessment Conference (HASBRAC). This takes place every month and is attended by Adur & Worthing Councils, Sussex Police, and other relevant professionals. The purpose of the HASBRAC is to ensure that we are fully utilising all the expertise at our disposal and doing all that we can to resolve cases as swiftly as possible. We will not wait to discuss the case at the HASBRAC to begin taking action, the meeting is designed to check everyone is aware and working together to reduce risk.

3.8 A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their perceived or actual protected characteristic, such as race, religion, sexual orientation, disability or because they are transgender.

A hate crime is any crime where the victim feels the perpetrator was motivated by prejudice. Sometimes we get ASB reports where the victim believes they are being targeted because of something about them like their skin colour or their perceived sexuality. This will all be taken into consideration when we work to better understand the victim's vulnerability, and risk level.

#### **4. Support for Victims and Witnesses**

4.1 The councils are committed to ensuring all those who are affected by anti-social behaviour are able to report to us and receive a timely response. All reports will be responded to within 5 working days.

4.2 Once we have determined that we are the right service to support you we commit to:

- Providing you with a clear understanding of the process, choices and options available
- Ongoing support during and after a case, keeping them informed of any related developments
- Regular communication with the victim and witnesses
- Referral to appropriate support agencies with the victim's consent
- Prompt responses to reports of ASB with early intervention actions
- Treating victims and witnesses sympathetically and sensitively
- Supporting you to record incidents in a method that is most accessible to you.
- Working with the police and other agencies to help prevent further intimidation/harm
- Support with court appearances where court attendance is required
- Provision of an interpretation service where people have limited or no understanding of English
- Provision of assistance on request for people with hearing difficulties/ visual impairment or any other additional support needs

### **4.3 Safeguarding**

In the course of an investigation, an officer may come across a situation where a vulnerable adult or child is believed to be at risk of harm. Such people may or may not have a direct connection to the case under investigation. In any situation it remains a legal duty for officers to ensure that these concerns are properly logged and passed to the relevant agency such as WSCC's adult social care or children's services in accordance with Safeguarding Policy & Procedures. Under these circumstances we may have to breach any duty of confidentiality.

### **4.4 Children and Young People**

Where the perpetrators of ASB fall below the age of 18, we take a holistic approach to working to prevent and reduce further ASB. We work with our partners to support the child and their families to tackle the behaviours and reduce the impact to the community. This can include working with West Sussex Children's Social Care, Sussex Police and our community and voluntary sector organisations to tackle the underlying issues that might be driving the behaviour.

Children and young people causing anti-social behaviour in public spaces can also indicate more serious concerns such as child criminal and sexual exploitation. Adur & Worthing Councils adopt a contextual safeguarding approach which means working with internal and external partners to make our community spaces safer and reduce the risk of harm to children and young people through both improving the environment and supporting individual children and their peers.

It is our priority to support children to change their behaviour through support and prevent criminalisation of children. However, Where such interventions are unsuccessful, we will pursue enforcement options that are proportionate, age appropriate and are balanced with support for children and their families.

## **5. Our Approach**

5.1 The councils adopt a casework approach to resolving ASB and do not provide an emergency response to situations. If you or your family are at imminent risk of harm, you should contact the police on 999.

5.2 A casework approach relies on gathering information and evidence. This means we need the people reporting it to show us exactly what is happening, including who is involved, where and when it is taking place and what the actual acts of ASB are.

5.3 The councils have a duty of care to use resources wisely to tackle issues that are impacting the community. We are not able to pursue action where there is not also support from the members of the community who have experienced or witnessed anti-social behaviour.

### **5.3 What can we use as evidence**

There are a number of ways you can 'record' evidence - the most straightforward is a written diary sheet or log. Other ways include recordings or photos from smartphones and clips from CCTV or ring doorbells. Noise nuisance can be captured and submitted through the Noise App.

Clearly caution needs to be exercised when making recordings and residents are advised to consider the ICO guidelines when using surveillance equipment:

<https://ico.org.uk/for-the-public/domestic-cctv-systems/>

Any video clips/CCTV recordings that clearly infringe upon another resident's right to privacy cannot be accepted as evidence.

Clips or photos submitted without a diary sheet to provide full details of the incident cannot be accepted on their own.

Since we need to show that anti-social behaviour is still occurring at the time we take enforcement action, any evidence older than 6 months is less useful than more recent material.

### **5.4 Evidence standards**

In order to consider enforcement action, the evidence submitted needs to meet certain thresholds/standards.

For civil proceedings, ie: Community Protection Warning, ASB Injunction) the evidence needs to be on the 'balance of probabilities' ie: that something probably happened. We would need diary evidence from more than one person OR diary evidence and other supporting evidence to feel that we had met that standard. This is recognised as 'best practice'.

For criminal proceedings to occur, we would need evidence that had shown 'beyond reasonable doubt' that something had taken place.

## **5.5 Intelligence vs Evidence**

Not every piece of information or report can be used as evidence. As professionals, we have many years of experience in understanding what the courts will find acceptable as evidence and support our case to take enforcement action. We might say to you that we aren't able to use certain pieces of information as evidence. This might be because an identity isn't clear, the incident was only witnessed by one person, there is no clear context or it wouldn't be viewed as serious enough to merit enforcement.

This does not mean that it is not useful- agencies will keep a log of information to build a picture, narrow down the people responsible, establish a pattern and guide where to direct attention and resources- this is what we call **intelligence**.

## **5.6 What makes good evidence?**

Any action we take to tackle ASB might eventually lead to a court case so we need to be sure from the start that we are gathering the best evidence we can. It is also important that we are honest with people about whether the information provided to us will be able to support a court case. It can be very disappointing for both victims and professionals when we aren't able to show a court that enforcement is both fair and necessary.

Good evidence must be:

- Clear including identifying who is responsible, when it happened and where it happened.
- Impartial, this means that there is independent information that can back up what the complainant is saying, for example, video footage, recordings or independent witnesses.
- Current- we can't take into account historical incidents (typically anything more than 6 months old)
- In context, for example, footage that only shows a couple of seconds of an alleged incident might be discounted as there are several explanations for the behaviour.
- Footage that is clearly labelled and is supported by a written account on a diary sheet
- Sent to us in a timely manner, not held on to for weeks

## **5.7 Informal measures**

Depending on the seriousness of a report, we may suggest an informal intervention as an initial step. This can be successful in stopping the ASB as it can clarify what behaviour is acceptable/unacceptable and reinforce the message that ASB will not be tolerated.

5.7.1 This approach could include a visit by an ASB officer, a letter asking an alleged perpetrator to contact us, or a joint visit with a PCSO or housing officer. We may suggest

support for the perpetrator or other signposting if we feel a situation does not amount to 'ASB' or that the behaviour is a result of an underlying issue, for example, substance misuse. Where we are offering an intervention to the perpetrator, we will not be able to disclose details to you but we will update you with any information that relates to the case in general; this could include the fact that we have spoken to the perpetrator and taken measures to help them change their behaviour.

5.7.2 We will always try to identify if there's any other agency or team, or third sector/organisations (or a mixture of several things) that might be able to help you as well, and signpost or refer accordingly with your permission.

5.7.3 We will usually begin with the lowest level of intervention that we feel will resolve the situation. This can include a verbal or written warning or we may progress to an Acceptable Behaviour Contract (ABC) which will ask the perpetrator to sign an agreement to either stop or to carry out particular actions or behaviours.

5.7.4 We might choose to issue a Community Protection Warning (CPW). This is a formal warning but offers the perpetrator the opportunity to change their behaviour voluntarily. Like an ABC, a CPW can set out a requirement to stop or carry out certain actions. Whilst it is not an enforcement action in itself, failure to comply can lead to a Community Protection Notice (CPN), which does lead to sanctions if the perpetrator breaches the conditions.

5.7.5 Informal interventions will not require you as the complainant to provide a written statement or attend court but we will need evidence described above, to take any action.

## 5.8 Enforcement

The majority of ASB cases can be resolved through the use of the informal measures outlined above. In cases where the ASB continues, we will consider the use of enforcement tools and powers contained within the ASB, Crime and Policing Act 2014.

5.8.1 It should be noted that the **Equalities Act 2014 and the Human Rights Act 1998** both apply to this area of legislation. This means that we must take equalities and human rights matters relating to both complainants and the alleged perpetrator into account. This means our decision to use enforcement action must be considered on a case by case basis, ie; we have to understand the individual circumstances of both the victim and the perpetrator and consider how background factors may influence or cause the behaviour/impact.

This may mean that we may not resolve the issues as quickly as you might expect because we have to be sure we know the full picture and ensure we have consulted the right parties. In these situations we would be working alongside relevant agencies to ensure that other measures available to them are put in place.

## **5.9 How we work with partners**

The councils work in partnership with other teams and agencies, both in-house and third party, ie: Sussex Police, Adur Homes, Environmental Protection, WSCC, etc. We take a multi agency approach to information gathering and problem solving, although one agency/professional will lead the work.

Please note we take a 'casework' approach, we are not an emergency service. If you or your family are at immediate risk of harm, please ring 999.

## **5.10 Commitment to victims**

When you make a report to us, our triage process will provide us with an early indication of the likely risk level to you or your family. We appreciate that as a situation changes, so may also the risk, and we will use risk assessments at different stages of a case to ensure our response is appropriate.

5.10.1 Where the risk is believed to be 'medium' or 'high' we will devise a safety plan in order to bring down the risk. Each safety plan is tailored to each case and will take into account the wishes of the victim.

5.10.2 While we work to resolve anti-social behaviour, we may suggest a referral to Victim Support, who can (amongst other things) provide victims with a forum to talk about how the anti-social behaviour has impacted on them and their family. Having somewhere to discuss these feelings should not be underestimated - it is part of the process whereby the harm is addressed.

## **6. ASB Case Review**

Formerly known as the Community Trigger, the ASB Case Review gives victims of persistent antisocial behaviour reported to any of the main responsible agencies (such as the council, police, housing provider) the right to request a multi-agency case review where a local threshold is met.

The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of antisocial behaviour.

Agencies, including local authorities, the police, local health teams and registered providers of social housing have a duty to carry out a case review when someone requests one and their case meets a locally defined threshold.

The grounds for the review in Adur & Worthing are that the complainant has made at least three reports and feels that responsible agencies have not responded to them fully or adequately. A decision will be made regarding whether or not the local threshold has been met before a review can take place.

The threshold must include:

- the frequency of complaints
- effectiveness of the response
- potential harm to the victim or victims making the complaint

The victim is then informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.

The ASB Case Review procedure must include a process for the victim to appeal if they are dissatisfied with the way in which the case review has been carried out, or with the decision on whether the threshold was met

## **7. Complaints**

If you are not happy with the service you get from us you can make a formal complaint via <https://www.adur-worthing.gov.uk/complaints/#customer-feedback-aw>

Your complaint can be further escalated to the LG Ombudsman if you believe it has not been dealt with satisfactorily. You find find more information about how to do this here <https://www.adur-worthing.gov.uk/complaints/#ombudsman>

## **8. Information Sharing**

Information will be shared in accordance with the West Sussex Community Safety Partnerships Information Sharing Agreement making use of Section 115 of the Crime and Disorder Act 1998 and other relevant legislation, including the Anti-Social Behaviour, Crime and Policing Act 2014

## **9. Privacy Notice**

We appreciate that the information you give us can be sensitive and making reports about ASB can make people feel vulnerable.

Personal data shared with AWCs will only be used for the specific purpose for which it is requested. The recipient of the information will keep it securely stored electronically and will delete it when it is no longer required (after 2 years from the case being closed).

Files containing data from partner sources will be reviewed every six months to ensure that the retention of the data can be justified. AWC will not release information to any third party, for whatever reason, without obtaining the express written authority of the source of the data provided.

For full details of our privacy notice please see: <https://www.adur-worthing.gov.uk/safer-communities/privacy-notice/>

## **10. Relevant Legislation**

The relevant statutory requirements in dealing with ASB are as follows:

- a) The Anti-Social Behaviour, Crime and Policing Act 2014
- b) Crime and Disorder Act 1998
- c) Anti-Social Behaviour Act 2003
  - 1. Publishing of Policies and Procedures (Part 2 Section 12)
  - 2. The Environment/Noise/Graffiti (Part 6 Sections 40/41/42)
- d) Police Reform Act 2002
  - 1. Seizure of vehicles used in an anti-social manner
  - 2. Statutory consultation requirements for anti-social behaviour
- e) Human Rights Act 1998 (Articles 6, 8, and 14)
  - 1. Rights of a fair trial, respect for family life, home and correspondence.
- f) Data Protection Act 2018 - this is a national law which complements the European Union's General Data Protection Regulation and replaces the Data Protection Act 1998.
- g) Equality Act 2010

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