



Mid Sussex District Council Anti-Social Behaviour (ASB) Policy

November 2024

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1. Introduction

1 Mid Sussex District Council (The Council) is committed to help ensure our customers, residents, visitors and those working in Mid-Sussex do not suffer any form of harassment and distress that may be caused by a small minority of people who behave in an unacceptable, and harmful manner towards others. Dealing with Anti-Social Behaviour (ASB) is not the sole responsibility of one agency and requires a collaborative approach. The Council is committed to responding effectively to any incident or report of ASB, and works in partnership with other responsible authorities including, but not limited to, Sussex Police, other relevant local authorities, Registered Social Landlords (RSLs) and the voluntary sector. We facilitate community safety partnership working through the Mid-Sussex Partnership with relevant partners focused on tackling issues around community safety, health and community development.

2 The Council recognises that anti-social behaviour can have a devastating impact on people's lives and is fully committed to dealing with incidents and causes of ASB to support those who are experiencing ASB, and to positively engage with those who are causing ASB, to prevent further incidents from taking place. We will use a range of tools and powers that support a triple track approach of prevention, intervention and enforcement.

3 The Council takes a harm centred approach, putting the victim at the centre of our work. We focus on the harm they are experiencing and the impact that the ASB has on their lives as well as the wider community and the environment.

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

5 This policy provides a framework of how the Council will approach ASB issues and how we deliver ASB services. The Council recognises the importance of supporting and engaging with our communities, so that together we can build stronger, safer neighbourhoods. This policy sets out what we will do and what customers can do to support this and specifically focusses on ASB and does not include issues that should be investigated in relation to other legislative frameworks.

6 Criminal activities will be dealt with by Sussex Police, supported by the Council's ASB team. The ASB team will lead on any associated ASB.

2. Policy Purpose

7 To adopt a harm centred approach to ASB case handling, and to ensure that victims and witnesses are assessed in terms of risk and vulnerability, so that appropriate levels of support can be put in place as soon as possible, and throughout the life of the case. The needs of the victim and the witnesses will not be outweighed by the needs of the person who is causing the ASB and the focus will remain on the harm that is being caused to the victims and the wider community.

8 Tackling ASB effectively is everyone's business, and the Council will support and engage with local communities and customers, to build community confidence as well as engaging with partners agencies.

9 This Policy meets the requirements set out by the Equality Act 2010 and aims to prevent unlawful discrimination. ASB can disproportionately impact those with protected characteristics, and the Council is strongly committed to fairness and ensuring that everyone has the same opportunities to achieve the same

or similar outcomes. We will take additional steps in the application of this policy and make reasonable adjustments to ensure compliance with the Act.

3. What is Anti-Social Behaviour?

10 ASB can mean different things to different people and therefore the Council has developed a framework within which we operate. The Council has adopted the legal definition of ASB as outlined in the Anti-Social Behaviour, Crime and Policing Act 2014, namely:

- 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

11 Our ASB cases are categorised as follows;

- a) Personal – where the ASB is targeted or intentional, or where a person/group is being directly affected by the ASB
- b) Environmental – where the harm is mainly being directed towards the environment e.g. fly tipping, offensive graffiti, vandalism to street furniture
- c) Nuisance – where there is general nuisance taking place in the street /neighbourhood, where the harm is impacting/ affecting the community generally.

12 The Council considers the following as some examples of the more common types of ASB, but this is not an exhaustive list.

- a) Hate-related incidents (where the behaviour is motivated by hostility and prejudice based on race, sexual orientation, disability, religion or gender identity).
- b) Repeated verbal abuse, harassment, intimidation or threatening behaviour
- c) Extreme and excessive noise that is persistent and unreasonable, and is causing unacceptable levels of disturbance to a reasonable person
- d) Persistent pet and animal nuisance where the animal's behaviour is unacceptable and harmful and is causing unreasonable levels of disturbance to a reasonable person
- e) Fly tipping on public land (This will be referred to the Council's Waste Team).
- f) Offensive Graffiti
- g) Unacceptable property and garden condition where this is affecting others in the community. This will be tackled in partnership with the Council's Planning Team.
- h) Unacceptable and harmful behaviour manifested from drug and alcohol misuse
- i) Inappropriate use of CCTV or recording to an extent that it affects the privacy of others

4. Scope

13 The Council's ASB service deals primarily with reports of ASB from homeowners and private tenants and tenants in the Council's temporary accommodation, as well as non-housing related incidents where the behaviour is occurring in a public place.

14 In a Social Housing context where the ASB is affecting the housing management functions of Registered Social Landlord (RSL), the Council will expect the RSL to follow their respective ASB policies and procedures and deal with these reports appropriately. Social housing tenants can report anti-social behaviour directly to their housing provider.

5. Reports that may be assessed as non-ASB

15 The Council recognises that sometimes customers will report certain types of behaviour as anti-social, but following our robust assessment, we may conclude that the reported behaviour is not antisocial in accordance with the definition and the framework we use, and therefore does not meet the threshold of unacceptable harmful behaviour. We must all accept that we will experience reasonable levels of disturbance from time to time, and therefore we will not accept reports of behaviour that most people accept as a reasonable part of everyday life.

16 The Council will not generally investigate the following unless there is clear evidence that there are unacceptable levels of behaviour taking place which is causing serious harm to others, the community or the environment. This list is not exhaustive.

- a) Babies crying
- b) Children playing outside
- c) Children falling out with each other
- d) One off parties and BBQ's
- e) Giving dirty looks or stares
- f) Reasonable actions that are considered to be part of everyday activities
- g) Reasonable household noise
- h) Name calling and social media disputes unless it is deemed to be harassment
- i) Unpleasant smells
- j) DIY activities at reasonable times
- k) Isolated and short incidents of dog barking
- l) Cats roaming in gardens
- m) One off neighbour disagreement
- n) Boundary disputes
- o) Noise from or speeding of vehicles on the highway
- p) Parking complaints unless there is significant and repetitive obstruction involved

17 In situations where the Council assesses the behaviour reported is not ASB, we may advise customers on alternative methods of conflict resolution and self-help.

6. Working in Partnership

18 The Council is committed to working collaboratively, and works in partnership with both statutory, and non-statutory agencies, as well as members of our community, to maintain a safe environment. The Council is involved with and contributes to local multi-agency meetings to identify solutions to prevent

incidents of ASB, protect people who are experiencing ASB and to challenge those who are responsible for it. For each case, we will assess which partners and agencies may need to be involved, so that a holistic approach can be identified.

7. Criminal Activity

19 The Council recognises that criminal related activity (including hate crime) cannot be effectively tackled without collaborative working relationships with the Police, as well as working closely with those who are affected by the criminal activity. Where criminal activity is being reported, the Council will encourage the person making the complaint to also report it directly to the Police or via Crimestoppers, and we will work with the Police as the lead agency and provide them with any appropriate intelligence and information that will support their investigation.

20 The Council will encourage those affected by the criminal behaviour to work with the Police and with us and if there is clear evidence of associated ASB taking place. The Council will take reasonable and proportionate action to address any associated ASB and support the victims and witnesses in these cases and encourage them to engage with us and other agencies, so that appropriate measures can be put in place to stop the ASB from escalating.

8. Commitments and Aims

21 We will:

- a) Ensure a service for reporting ASB is available and accessible for colleagues, partner agencies and members of the public.
- b) Respond to reports of ASB in a timely manner, based on risk and take all reports seriously.
- c) Take a harm centred approach to dealing with each case and tailoring the support offered to victims and witnesses appropriately.
- d) Use a recognised risk assessment matrix, applied to any ASB case where there is an identifiable complainant.
- e) Support those who are experiencing ASB, and stay in contact with them, keeping them informed of progress throughout their case
- f) Identify additional support needs of ALL the parties involved and make appropriate referrals to specialist agencies where consent has been given.
- g) Tackle anti-social behaviour through effective coordination of service actions including prevention, intervention, and enforcement.
- h) Work with partner agencies on casework, tackling the drivers of anti-social behaviour including substance misuse, mental health issues, and troubled family backgrounds.
- i) Use our professional judgement as to whether reports of ASB can be realistically investigated and resolved.
- j) Undertake action that is reasonable and proportionate and be clear with customers on the range of interventions and solutions available.
- k) Ensure that information is treated confidentially, unless there is an overriding safeguarding issue or criminal activity which requires us to share information with appropriate agencies.
- l) Use a translation service for those customers who require this
- m) We aim to:
- n) Encourage customers, where possible, to try to resolve their disputes themselves if it is safe to do so.
- o) Raise awareness for the need to act reasonably and be considerate of the different values and lifestyles reflected across our communities

- p) Ensure relevant employees have access to training to respond quickly and effectively to reports of ASB
- q) Not tolerate any behaviour that is designed to threaten, intimidate or abuse our staff or contractors. If necessary, The Council will seek legal remedies should staff be subjected to this type of behaviour from members of the public.

9. Reporting ASB

22 Any person can report complaints of anti-social behaviour in a number of ways
Phone 01444 458166

by e-mail at any time to antisocialbehaviour@midsussex.gov.uk

Our online form via our website: [Forms - Mid Sussex District Council](#)
by writing to us at Anti-Social Behaviour team, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath RH16 1SS

In person at our office during office hours (by appointment only)

10. Case Reporting and Investigation

23 Reports of ASB will be assessed and prioritised at the point of contact. This will involve the reporter being asked a series of questions relating to the ASB, so that we can assess the potential risk of harm being caused. The ASB report will then be allocated to a named officer.

24 If the initial report involves a recent threat or use of violence, or there is a significant risk of harm, (e.g. such as a hate crime, hate incident, domestic abuse, or where the reporter is assessed as highly vulnerable) an officer will aim to contact the reporter the same day where this is practical to do so or within the next working day. For all other reports of ASB an officer will aim to contact the reporter within 5 working days.

25 All reports of ASB will be taken seriously, assessed appropriately, and recorded on our internal reporting systems. All cases will be regularly assessed throughout the investigation using a risk assessment matrix, which will determine case priority, response times and frequency of contact with the parties involved. Case officers will maintain high quality standards of casework activity and robust record keeping throughout the investigation of a case. Casework will be continuously assessed and reviewed.

26 The case officer will keep in regular contact with the parties involved in the case, agree action plans and provide feedback on a regular basis, using the customers preferred method of communication.

27 The Council will actively encourage the parties involved to engage and work with us to resolve the issues, and where the ASB continues we will stay in touch with the reporter and any other witnesses and encourage them to continue to provide information about any ongoing incidents of ASB. Collecting further evidence is very important and we will explain this to the reporter and agree with them how this will be collected.

28 The Council will usually request the reporter to keep a written record of what is happening and ask them to submit these to their case officer on a regular basis. Where this is not possible, the case officer will agree more appropriate options for collecting the details of any further incidents.

29 If a reporter wishes to remain anonymous and do not want their identity disclosed the Council will respect their decision. However, this may limit what direct action we can take.

11. Hate related crime and incidents

30 Hate crime and hate related incidents can have a significant impact on those experiencing it and often leaves people feeling vulnerable. It can affect self-confidence and physical and mental health and can leave individuals feeling isolated and fearful of what might happen next and potentially less likely to report further incidents. Everyone has the right to live their lives free from fear of attack or abuse because of who they are.

31 We define a hate incident as “Any non-crime incident which is regarded by the victim or any other person to be motivated by hostility or prejudice based on a person’s actual or perceived disability, race, gender identity, religion or sexual orientation”.

32 If there is more than one incident and this demonstrates a pattern of behaviour, then it could be considered harassment which is unlawful.

33 Hate incidents could include (this list is not exhaustive)

- a) Littering outside homes or through letterboxes
- b) Excessive noise reports
- c) Throwing eggs and stones at properties
- d) befriending vulnerable people to take advantage of them.
- e) Verbal abuse
- f) Bullying
- g) Name calling
- h) Insults
- i) Malicious complaints
- j) Verbal or written use of prejudicial language

34 We define a Hate Crime as “Any criminal offence which is regarded by the victim or any other person to be motivated by hostility or prejudice based on a person’s actual or perceived disability, race, religion, sexual orientation or gender identity”. The Police investigate Hate Crime.

35 Potentially any crime could be motivated by hostility and prejudice, and therefore a hate crime could include (this list is not exhaustive).

- a) On line abuse
- b) Offensive graffiti and fly posting
- c) Ridiculing cultural differences eg food, dress, language

- d) Physical attacks – such as physical assault, damage to property, and arson
- e) Threat of attack – including offensive letters, abusive or obscene telephone calls, texts, emails or via social media, groups hanging around to intimidate and unfounded malicious complaints
- f) Abusive gestures
- g) Violent attack
- h) Vandalism to property
- i) Theft
- j) Verbal abuse
- k) Harassment, stalking and intimidation

36 The perception of the victim or any other person is the defining factor in determining a hate crime or a hate incident. All reports will be recorded and investigated as hate crimes or incidents if they are perceived that way until there is evidence to demonstrate otherwise. The fact that any person can perceive an incident to be motivated by hostility or prejudice is of particular note when officers are dealing with persons who either have a learning disability, dementia, or mental ill health. On occasions, the victim may not realise that they have been subject to a hate crime or a hate incident. Therefore, an officer can still record it as such based upon their or other third party's perception.

37 It is possible for a hate related incident to have more than one motivating factor, for example an incident may be motivated by hostility towards both the victim's race and religion. Therefore, it is important to be led by what the victim perceives to be the motive behind the offending and harmful behaviour, and that responses are made to all aspects of the victim's identity. We will maintain a victim-centred approach by putting them first, understand any impact upon them and liaise with our partners to ensure that support based upon victim need is being delivered.

38 The Council will not tolerate any form of hate related behaviour and will use the full range of tools and powers available to tackle this. We recognise that behaviour and actions motivated by hatred or a particular prejudice towards an individual's race, faith, sexual orientation, gender identity or disability is particularly corrosive in relation to individual victims and our communities. The focus of the casework centres on the harm being experienced and the impact that the harmful behaviour is having on the reporter's general health and wellbeing, and the adverse impact on their ability to carry out day to day activities. The casework also focusses on the impact that the behaviour may have on the wider community, and the environment generally.

12. Support and Vulnerability

39 If any support needs or vulnerabilities are identified for any party, these will be discussed with the case officer in a sensitive manner, and the case officer will encourage engagement with appropriate support services by making referrals and signposting the person to the appropriate specialist agencies, if the person gives consent to do so.

40 If consent is refused, the case officer will explore this further with the individual concerned to try and allay any fears that the person may have. However, if the customer is adamant they do not wish to be referred or have their personal details shared with any other organisations we accept and respect their decision.

41 Any safeguarding concerns would override the customer's refusal to give consent, and in these situations, we will explain to the customer why the referral would still need to be made, or information shared.

13. Prevention: Intervention: Enforcement (PIE)

42 The Council will adopt a triple track approach of Prevention, Intervention and Enforcement (PIE) to our casework, and deal with each case on its own merits. We will look at early intervention/prevention remedies first, unless there has been a serious incident e.g. threat/use of violence. Officers use a wide range of tools and powers to challenge unacceptable behaviour and decide on a case by case basis which tools and powers will be the most appropriate to use.

43 Generally, for cases that have been assessed as non-urgent, where there is no ongoing serious risk of harm or imminent danger, early intervention tools and techniques will be applied based on tried and tested casework resolution. These include:

- a) mediation
- b) restorative solutions
- c) good neighbour agreements
- d) Acceptable Behaviour Contracts (ABCs)
- e) accessing diversionary activities or support
- f) providing information and advice
- g) Investigatory interviews
- h) Warning interviews
- i) Referrals to partners/support agencies

44 All parties involved will be encouraged to engage and participate in order to stop incidents from escalating. The Council believes that in most of these types of reported cases, customers can bring about sustainable solutions just by communicating with each other, respecting one another's point of view and reaching a compromise.

45 The Council will consider enforcement action where early intervention techniques have not been successful and the harmful behaviour is continuing, or where reporters need protection to prevent further ASB incidents from occurring and where the person causing the harmful behaviour is refusing to engage with us and/or appropriate support services. We would first seek permission first from victims and witnesses to use their evidence in any legal action.

46 The Council will only take enforcement action if it is reasonable and proportionate to do so. Based on the case itself, we will decide whether to initiate our own legal action, or whether it is more appropriate and beneficial to support the enforcement action of a partner agency. We will always work closely with the Police, our colleagues across the Local Authority and other agencies like RSLs to develop strategies and initiatives which respond to and reduce anti-social behaviour.

47 If court action is required, the Council will support reporters and witnesses throughout the court process and beyond. We understand that not everyone feels able to give evidence in court, but ASB cases are most successful where we have witnesses who can give their own account of what they have been experiencing. With permission, we will refer witnesses to Victim Support for help.

48 The Council will not tolerate abuse towards our staff, or our contractors or anyone else providing services on our behalf. This includes threats of violence, verbal abuse and intimidation, harassment and actual violence. In such situations the Council will always take appropriate action against those who perpetrate these types of offences.

49 Examples of legal actions that The Council may consider include:

- a) 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.
- b) 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. We would work in collaboration with the Police and the Crown Prosecution service to consider this option
- c) 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.
- d) 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.
- e) The Council will also consider Public Spaces Protection Orders when it is considered the most appropriate tool to address a place based anti-social behaviour issue and where the order can realistically be enforced. the Council will work with the Police to consider other potential solutions such as use of the Dispersal Power or Restraining Orders.

50 The Council will engage with WSCC Children's services including the Youth Justice Service when considering taking action against children and young people.

14. Cross Tenure Issues

51 The Council recognise its wider responsibilities to work across all tenures and contribute towards the development of communities which are safe and welcoming to all.

52 Where ASB is taking place in the private sector or is taking place in a location that is not affecting the housing management functions of a RSL, the Council will generally take the lead but will still work closely with other colleagues within the council, as well as the Police and other agencies.

53 If the ASB is taking place in neighbourhoods managed by a RSL, and the conduct is affecting the RSL's housing management function, we will expect the RSL to follow their own ASB processes and where appropriate use their tools and powers appropriately.

54 There will be times when reports of ASB will require a multi-agency response, due to the complex nature of the issues being reported, or where the ASB is crossing local authority boundaries. When these types of reports are made to the council the ASB investigating Officer will discuss with all relevant organisations who will take the lead role in coordinating specific actions and this information will be shared with everyone involved in the ASB report. The coordination of this work will be through the HASBRAC (Hate and Anti-Social Behaviour Risk Assessment Conference) or a separate multi agency meeting.

15. Closing a case

55 The Council will close a case in the following circumstances:

56 Reasonable and proportionate steps have been taken and the ASB is no longer being reported.

- a) The subject is engaging with support services, and is no longer causing ASB
- b) The subject has moved and the ASB has stopped.
- c) There is insufficient, ongoing evidence that ASB is still being perpetrated
- d) The victim has moved out of the area and the ASB has stopped

e) Non engagement of reporter

57 The Council will inform the reporters and any witnesses initially about the case closure and then advise all parties in writing, including any agencies and services that may have been involved in the case.

58 The Council will always take into account the customers views when closing a case, however, we cannot guarantee that the action we take will be what the customer is expecting or wants. The Council must operate within legal guidelines and our policy framework which focusses on reasonableness and proportionality.

59 The Council will not re-open a case without good reason, for example, where there has been a change in circumstances or fresh evidence has come to light that satisfies the Council that ASB is re-occurring.

16. Customer Responsibilities

60 The Council expects customers to take responsibility for their own behaviours and actions. In situations where there is a dispute or disagreement between neighbours, we will encourage those customers to try and resolve things themselves, (unless there is a serious risk of harm/violence or abuse). Officers will offer advice on how they might approach their neighbour to resolve the conflict or suggest a referral to Mediation Services to support them in reaching a resolution

61 The Council will engage with communities and encourage them to:

- a) Report criminal activity to the Police
- b) Report all incidents of ASB, harassment, hate crime and incidents and domestic abuse to their landlord if they, or the subject live in a RSL property, or alternatively report it to ourselves if they live in the private sector, own their own property or are in MSDC temporary accommodation
- c) Take responsibility for minor personal disputes with their neighbours – resolve problems in a reasonable manner

17. Safeguarding

62 Our Safeguarding Policy ensures that all our frontline staff are trained to identify and prevent safeguarding issues and understands the different aspects of safeguarding that they have a duty to report.

18. Data Protection and Information Sharing

63 The Council will share information with our partners in accordance with relevant legislation such as the General Data Protection Regulations 2018, Data Protection Act 2000, The Anti-Social Behaviour, Crime and Policing Act 2014 and the Crime and Disorder Act 1998, to help protect vulnerable victims and detect, prevent and take coordinated action against crime and ASB

64 The Council are committed to ensuring customer confidentiality and will not disclose their identity unless they agree that we can, or unless there is a need to share that and other information with other agencies for lawful purposes, such as where there is a need to safeguard someone at risk. All staff are expected to undertake information sharing training.

65 The Council will ensure that relevant staff are able to access appropriate training as well as updates on relevant legislation and changes in national policy drivers. We are committed to continuous personal development and training and will access both internal and external training appropriately.

66 To support ASB Officers they have access to their own set of Body worn video cameras which should only be switched on during a specific incident. For an ASB Officer this would be while undertaking enforcement issues such as issuing a Community Protection Warning, while interviewing a person or if there is an incident of aggression/abuse. [Policy for the use of Body Worn Video Cameras \(midsussex.gov.uk\)](https://midsussex.gov.uk)

19. Complaints

67 Any party involved in an ASB case can make a complaint to the Council if they are not satisfied about how their case has been handled. When a complaint is made, the Council will follow the process set out in our complaints policy.

20. ASB case review

68 deal with their ASB report, they have the legal right under the ASB Crime and Policing Act 2014 to request a formal review of the ASB case. This is known as the ASB Case Review. In order to request an ASB case review a locally agreed threshold must be met. Further information about how the ASB case review can be invoked can be found at [Anti-Social Behaviour and Crime - Mid Sussex District Council](https://midsussex.gov.uk)

21. Quality Assurance and Monitoring

69 The Council will seek feedback from customers and carry out regular monitoring and reviews of all reported cases of anti-social behaviour, including the numbers, progress and outcomes of cases.

70 Individual cases will be closely supervised and managed by the Community Safety Manager on a regular basis with the case officer. The Community Safety Manager will provide appropriate advice and support to case officers and provide direction ensuring that cases are progressed in line with operating guidelines and procedures.

71 Performance information will be collected regularly and shared appropriately with relevant staff.

22. Review Process

72 This Policy and associated procedures and guidance will be reviewed every three years or sooner if there are significant changes to legislation, regulatory changes, national policy changes or there is an operational need to do so. Any amendments will be appropriately consulted on and signed off, and clearly communicated to the wider MSDC staff groups as well as our community

23. Other Associated Documents

ASB guidance notes for staff
Domestic Abuse Policy
Safeguarding Policy
Complaints Policy

24. Relevant Legislation

ASB Crime and Policing Act 2014
Equality Act 2010
ASB Act 2003
Crime and Disorder Act 1998
GDPR 2018
Data Protection Act 2000

Policy Review Date

The policy is due for review by **November 2028**

Lucy Corrie Assistant Director - Communities

I hereby authorise the **add service area** to continue with the administration of this policy.

Revision History

Revision	Name	Date (day month year)