



# Dacorum Borough Council

## Anti-Social Behaviour Policy

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<b>Paragraph</b>	<b>Content</b>	<b>Page</b>
	Introduction	2
1	Victim-centred approach	3
2	The Council's responsibilities in respect of ASB	4
3	What is Anti-Social Behaviour?	5
4	The Council's objectives	7
5	Examples of tools that we can use to tackle ASB	9
7	Support for victims and witnesses	11
8	Discretion	13
9	Equality Act	13
10	Supporting legislation	14

## **Introduction**

**Dacorum Borough Council recognises that the problems created by Anti-Social Behaviour (ASB) need to be addressed in a robust but proportionate manner. Residents are entitled to live in a quiet and peaceful environment and where appropriate the Council will aim to act quickly and efficiently to tackle incidents of ASB.**

**Dacorum Borough Council will not tolerate incidents of ASB and this will be made clear to all tenants, prospective tenants and residents of the Borough.**

**The Council's ASB Policy applies to tenants and residents, regardless of tenure, their family members and any other occupants and visitors. The same principles apply to members of staff and other people working on behalf of the Council.**

**In response to the Anti-Social Behaviour, Crime and Policing Act 2014 Dacorum Borough Council has reviewed its ASB Policy and Procedures.**

## 1. VICTIM-CENTRED APPROACH

Victims of anti-social behaviour can have a number of expectations of Dacorum Borough Council:

- Dacorum Borough Council will take all complaints seriously whether they are made in person, in writing or over the phone. In some circumstances it may be necessary to complete an Anti-Social Behaviour Complaint Form and to keep a log of incidents to aid evidence collection
- We will thoroughly investigate complaints, swiftly and fairly, working with other organisations where appropriate
- We will tell you who is leading on your case, for example; the Police, Dacorum Borough Council, your Housing Association, the enforcement team or the anti-social behaviour team
- We will ensure that all victims and witnesses are dealt with sympathetically and where possible treated in confidence, in accordance with legal requirements
- We will keep in regular contact with you about your complaint and agree with you how regular this contact will be.
- We will do everything we reasonably can to find an effective solution to stop anti-social behaviour.
- We will respond to the initial complaint of ASB within (3 working days of the complaint).
- We will provide regular updates for our communities on what is being done to tackle anti-social behaviour.
- We will provide you with support, working with other organisations where appropriate.

**We have a statutory duty to inform other services about your report if there are child protection issues or adults who may be vulnerable. We will speak to you should this prove to be necessary**

## **2. The Council's responsibilities in respect of Anti Social Behaviour (ASB)**

The Council has a wide range of responsibilities to tackle ASB. These arise from our three distinct roles which are;

- **Our landlord role**

As a landlord, the Council has a duty to respond to ASB affecting the properties we manage. Our landlord duties and powers are different from, and in addition to, the duties and powers we have to deal with ASB in the wider community.

- **Our role as part of the Community Safety Partnership**

Under the Crime and Disorder Act 1998, the Council must work with the police and other partnership agencies to reduce crime and disorder in Dacorum. In this role we play a key part in dealing with ASB of all kinds and also undertake project and preventative work.

- **Our environmental protection role**

The Council has a range of responsibilities to deal with 'environmental' ASB, such as noise, litter, bonfires, dumped rubbish and abandoned cars. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act 1990.

Whilst these are distinct roles, there are very strong links between all three and close working arrangements have been developed between the teams that deliver the various services. Environmental ASB is tackled by a number of different teams within the Council, each of which works to its own set of policies and procedures.

- We will consider all possible powers, civil and criminal, available to us and take appropriate action
- We will forward reports of anti-social behaviour to the Police without delay, when this is necessary
- Enforcement action against ASB can take an informal, quasi-legal, or legal form. Prompt, targeted action is sometimes more successful than drastic action for tackling ASB before it escalates.

- Warnings – sometimes jointly with the Police
- Quasi-legal enforcement action such as Acceptable Behaviour Contracts (ABCs)
- Civil action such as Civil injunctions, Closure Notices and Orders and possession proceedings.
- Undertakings
- Environmental related powers, e.g. dog control orders and controlled drinking areas
- Criminal prosecution

### **3. What is Anti-Social Behaviour?**

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.

#### **Dacorum Borough Council considers the impact on victims is crucial**

Anti-Social Behaviour covers the range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home or community.

How each case is handled will vary on the specific circumstances of the victim and the perpetrator. We have, therefore, adopted a broad definition:

- Behaviour capable of causing nuisance or annoyance to any person including Council tenants, other residents, council staff, contractors, partner agency staff or any other person lawfully going about their business
- Any act that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household
- Using or threatening to use Council property for unlawful and or immoral purposes

### **3.1 Examples of ASB**

Anti-social behaviour may include (but is not limited to)

#### **Noise:**

- Loud televisions and music
- Persistent, unnecessary or excessive noise
- Shouting or yelling
- Excessively loud or frequent parties
- Dogs persistently barking

#### **Intimidation, harassment and violence**

- Verbal or written abuse
- Threats of violence
- Threatening or aggressive behaviour
- Harassment
- Assault
- Damage to property
- Keeping and failing to control an aggressive dog
- Using or allowing premises to be used for illegal or immoral activity such as prostitution, selling, handling, storing or using illegal drugs or handling stolen goods.

#### **Environmental ASB:**

- Dumping rubbish and littering
- Vandalism
- Dog fouling
- Bonfires
- Graffiti
- Fly-posting
- Abandoned Vehicles

**Hate-motivated behaviour directed at a person's:**

- Race or nationality
- Gender
- Sexual Orientation
- Disability
- Faith/Religion
- Age

**ASB affecting our landlord role in addition to the above:**

- Failure by tenants to prevent children or visitors from behaving anti-socially
- Failure by tenants to observe any ASB-related tenancy condition
- Any act (whether or not committed by a tenant or leaseholder) which directly or indirectly adversely affects the Council's housing management function
- Misuse of communal areas (including parking areas)
- Use of motor vehicles in an anti-social manner by tenants or visitors – Refer them to the Housing policies and procedures here

**What is not ASB?**

ASB can be difficult to define and there are some types of behaviour that are not classed as ASB and will not be investigated by Dacorum Borough Council. Examples include, but are not limited to:

- Children playing in the street or communal areas
- Young people gathering socially unless they are being intimidating
- Being unable to park outside your home
- DIY and car repairs unless they are taking place at unsocial hours (for example late at night or in the early hours)
- Civil disputes between neighbours e.g. shared driveways
- One off complaints about noise e.g. parties
- Check with Housing regarding breach of tenancy which these issues can sometimes be, with Environmental Health regarding noise and planning regarding car repairs

## **4. The Councils objectives**

The Council's ASB policy is founded on the following 5 objectives.

### **1. No one should have to put up with ASB**

**Our policy is to:**

- 1.1 Make people aware of what anti-social behaviour is
- 1.2 Publicise and promote our various services to combat ASB
- 1.3 Encourage people to report ASB
- 1.4 Seek to respond to each reported case of ASB as quickly as possible
- 1.5 Support victims of ASB throughout the case to the extent the seriousness of the case requires

### **2. Reports of ASB will be treated seriously and dealt with professionally**

**Our policy is to:**

- 2.1 Assess (and periodically re-assess) the seriousness of the ASB reported to us
- 2.2 Treat all reports as confidential, sharing information only with other organisations that can help with the problem (e.g. the police) and observing data protection laws and information sharing agreements
- 2.3 Ensure that criminal ASB reported to the Council is quickly passed on to the police
- 2.4 Register and record each case we take on
- 2.5 Fully investigate the complaint, which may involve interviewing any alleged perpetrator and may involve interviewing third party witnesses
- 2.6 Quickly refer cases between the different departments of the Council and to other agencies as necessary
- 2.7 Formally close all cases in writing
- 2.8 Explain our reasons should, we feel no action is appropriate, and advise on self-help or other alternative courses of action, whenever it is possible and appropriate to do this
- 2.9 Seek feed-back on our handling of the case by way of satisfaction surveys sent to all complainants once the case has been closed
- 2.10 Look to improve our service based on the feedback we receive



**3. ASB will be dealt with firmly, fairly and proportionately**

**Our policy is to:**

- 3.1 Take any necessary early action to protect people and property
- 3.2 Investigate the circumstances and seek to understand all the facts of the matter reported to us
- 3.3 Seek always to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health
- 3.4 Use any of the tools and powers available to us under the law and council policy, according to our best professional judgment
- 3.5 Take into account (and adjust our approach as necessary) when a victim or perpetrator is a vulnerable person
- 3.6 With the consent of the people involved, we may refer suitable low level cases to a mediation service
- 3.7 Not necessarily intervene where the issue involves private sector housing or private businesses, where there is no statutory duty on the Council to act

**4. We will work with partners in order to deliver an effective, value for money ASB service across the community**

**Our policy is to:**

- 4.1 Play a full part as a key member of the Dacorum Community Safety Partnership
- 4.2 Participate in relevant strategic or preventative initiatives
- 4.3 Participate in permanent or ad-hoc multi-agency working groups dealing with specific ASB issues
- 4.4 Work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB making use of their own resources.

**5. We will provide a high quality service which meets people's identified needs**

**Our policy is to:**

- 5.1 Ensure that staff dealing with ASB are appropriately trained
- 5.2 Ensure that staff dealing with ASB understand and follow agreed policies and

procedures

- 5.3 Focusing the response to ASB on the needs of the victims by adopting a victim-centered approach
- 5.4 The policy will be reviewed to reflect new legislation and lessons learnt
- 5.5 Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

## **6. Examples of tools that we can use to tackle ASB**

### **6.1 Tenancy Agreement**

Under the terms and conditions of Dacorum Borough Council's tenancy agreements, tenants are responsible for the behaviour of everyone in their household (including children) together with their visitors, whether in the home or in the neighbourhood.

Upon moving into Council Housing, the tenant will receive a tenant's handbook, which clearly outlines the rights and responsibilities placed on the tenant for the duration of his or her tenancy and the consequences of any breaches.

### **6.2 Mediation**

In many cases of ASB, mediation can be an effective tool, solving the issue quickly by bringing all parties to the table. This can be very effective in, for example, neighbour disputes, family conflicts, lifestyle differences such as noise nuisance complaints.

### **6.3 Acceptable Behaviour Contracts (ABC's)**

ABC's are voluntary written agreements between the person who has been involved with the anti-social behaviour and one or more local agencies, whose role it is to prevent such behaviour. Usually this is Dacorum Borough Council and the Police. The contract will contain a number of requirements and usually lasts for six months. The contract is not legally binding however if a person fails to attend the interview or does not agree to sign, this may be used as evidence in court if further action is taken. If a person breaches the conditions of the contract, further enforcement action may be taken.

### **6.4 Injunctions**

The injunction under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with anti-social individuals. The injunction can offer fast and effective relief and protection for victims and communities and sets a clear expected standard of behaviour stopping the anti-social behaviour from escalating. If the injunction is breached, this would be punishable as contempt of court and for adults the

sanction can be up to two years in prison or an unlimited fine and for under 18's supervisions or curfew orders, activity requirements or in the most serious of cases youth detention.

### **6.5 Demoted Tenancy**

Section 82A(2) Housing Act 1985 allows the local housing authority to apply to the court for a demotion order which, when applied to secure tenancy, results in a non-secure tenancy. This removes the tenant's right to buy, right to exchange and their security of tenure for a minimum of one year. If however, the behaviour of the tenant is modified within this period, a new secure tenancy will be issued.

If unacceptable behaviour continues, a further application can be made to the court for possession of the property.

### **6.6 Possession Orders (for Dacorum Borough Council tenants)**

Possession proceedings allow landlords to apply for and possibly take back possession of a property in cases where there has been a breach of the tenancy or where the Local authority considers other orders or agreements to be inappropriate. A notice of seeking possession will be served in the first instance and then an application to the County Court for a court hearing may be made. It will be for the judge to decide if it is reasonable for the perpetrator to lose their home.

### **6.7 Amendments to the discretionary grounds for eviction**

Section 98 of the ASB, Crime and Policing Act came into force on 13th May 2014. This section inserted new provisions into the 1985 and 1988 Acts to enable the landlord to seek possession where a tenant (or person living in or visiting the tenant's home) is guilty of conduct likely to cause nuisance or annoyance to the landlord, or someone employed in connection with the landlords management functions, where the conduct relates to or affects those housing management functions. There is no requirement for this conduct to have taken place within the locality of the tenant's home.

### **6.8 Absolute grounds for possession**

With effect from 20th October 2014, if a tenant, a member of the tenant's household, or a person visiting the property has been:

- Convicted of at least one of a list of 'serious' offences, or;
- found by a court to have breached a civil injunction, or;
- convicted for breaching a criminal behaviour order (CBO), or;
- convicted for breaching a noise abatement notice, or;

- the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour

Then provided the behaviour complained of was committed after 20th October 2014, the Local Authority can apply for Court for a mandatory possession order.

This will offer better protection and faster relief for victims and witnesses of the most serious, proven anti-social behaviour and crime.

**The use of this tool is at the landlords discretion and decisions regarding a Dacorum Borough Council Tenant will be considered by a panel independent of the ASB investigations.**

## **7. Support for victims and witnesses**

A housing officer is available during normal office hours for Council tenants. This officer will normally be the first point of contact and will make an initial assessment of the severity of the problem. A housing officer may work alongside other relevant officers of the Council. The housing officer may refer the case to the ASB team if necessary.

Dacorum Borough Council will work with local agencies and community groups to help provide support both practical and emotional, for victims of ASB.

The council is committed to providing a high level of service to both victims and witnesses of ASB. The Council will consider using professional witnesses and hearsay evidence where appropriate to do so. The Council recognises that hate motivated harassment is a serious offence and will remove hate motivated graffiti and carry out emergency repairs as a matter of urgency after an incident is reported.

The council will keep the victims of ASB updated with the action being taken.

The Anti-Social Behaviour, Crime and Policing Act 2014 includes new measures designed to give victims and communities a say in how ASB is dealt with:

### **7.1 The Community Trigger**

The community trigger, gives victims and communities the right to request a review of their case and bring agencies together to take a joined up problem solving approach to find a solution. The Council, as a statutory authority, will have a duty to participate in case reviews as necessary.

Across Hertfordshire a consistent approach has been developed to support all agencies involved in the new legislation, aiming to provide victims of ASB with a clear and effective response regardless of where they live in the County.

In Dacorum, the single point of contact is the Anti Social Behaviour Team at Dacorum

Borough Council. Further information on the Community Trigger can be found on the Dacorum Borough Council website at :

**<http://www.dacorum.gov.uk/home/community-living/community-safety-asb/anti-social-behaviour/community-trigger>**

## **7.2 Information sharing**

Where appropriate, the council will share information with the police and other key agencies under joint information exchange protocols so that all agencies can carry out their function and duties in accordance with the Crime and Disorder Act 1998. The Council will also work to ensure that residents of the Borough are encouraged and are able to report incidents, confident in the knowledge that they will be recorded and investigated where appropriate.

The Council will work within the provisions of the Data Protection Act which provides a background for the sharing of information and the need for confidentiality and privacy.

### **Support for perpetrators**

The Council will balance the need for strong action with the need to rehabilitate perpetrators. This is particularly relevant when considering issues of ASB that are the direct or indirect consequence of:

- Drug abuse
- Alcohol abuse
- Mental health problems

We shall work closely and make referrals where appropriate to partner agencies, such as the Drug and Alcohol Teams and Community Mental Health Teams to provide support for perpetrators to overcome their problems without having to resort to enforcement action, if possible.

Support may be used as a positive condition of an injunction

## **8. Discretion**

This policy commits us to dealing with ASB in Dacorum in a way that will always be fair and, in all important respects, consistent across cases of a similar kind. However, our services are consistently evolving and each case we deal with is likely to be unique in some or other aspect. This means that we may occasionally use our discretion to vary our approach from that described in this document. We may do this in any individual case, following appropriate consultation, or we may make any changes of approach apply in all subsequent cases, in which case we will formally amend our policy and procedure.

## **9. Equality Act 2010**

As well as providing a framework to ensure Council services are not provided in a discriminatory manner, this Act also outlines the approach to be taken when considering legal action against a person who is disabled. Basically, this requires that we:

- demonstrate that we have taken the disability into account when deciding to proceed with legal action.
- have concluded that legal action is needed due to the effect of the anti-social behaviour on either the health of the victim and/or perpetrator.
- ensure the legal action is a proportionate response to the anti-social behaviour.

## **10 Supporting Legislation**

Data Protection Act 1998 and 2003

Crime and Disorder Act 1998

Anti-Social Behaviour Act 2003

Police and Criminal Evidence Act (PACE)

Mental Health Act 1983 (amended 2007)

Environmental Protection Act 1990

Criminal Justice and Police Act 2001

Housing Act 1996

The Noise Act 1996 as amended by the ASB Act 2003 and the Clean Neighbourhoods and Environmental Act 2005

Children's Act 2004

Harassment Act 1997

Human rights Act 1998

Homelessness Act 2002

Freedom of Information Act 2000

Equality Act 2010

Anti-Social Behaviour, Crime and Policing Act 2014