



# **DACORUM BOROUGH COUNCIL**

## **Anti-Social Behaviour**

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# **Procedures**

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## **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.**

## PROCEDURES

### REPORTING NUISANCE OR ANTI- SOCIAL BEHAVIOUR.

(1) Reports from or about Dacorum Borough Council tenants or leaseholders including complaints regarding the Council's Housing property or land.

All reports of this nature should be made to the Tenant Services Officer for the relevant Housing Service area in the first instance. Initial complaints can be made in any of the following ways:

- By ringing the call centre on; 01442 228000
- In writing to your Housing Officer
- In person at an arranged meeting
- By e-mail to your Housing Officer
- Anonymous reports by telephone, writing or email

It is preferable that complaints are made in writing to avoid any misunderstanding of the problem or of the information given. They should be addressed to the appropriate Housing Officer.

(2) Reports of noise nuisance from owner occupiers or private tenants should be reported to the Environmental Health Department using the call centre telephone number 01442 228000

Reports of other issues should initially be made to the Housing Officer for the relevant area where advice will be given – contact details as above.

(3) Complaints about Registered Social Landlord Tenants (Housing Associations) including their property and land.

All reports should be directed to the appropriate landlord. A list of the registered social landlords is available from Customer Services.

(4) Complaints of abandoned vehicles fly tipping and litter not on Housing property or land.

Reports should be made to the Environmental Services Department using the call centre number 01442 228000

#### 5) Private Owner Noise

Reports should be made to the Environmental Health team using the call centre telephone number 01442 228000

#### (6) Private owner Anti-social Behaviour

Reports should be made to the Anti-Social Behaviour Team using the call centre telephone number - 01442 228000

## **ANTI-SOCIAL BEHAVIOUR TEAM RESPONSE**

### **A. GENERAL REPORTS OF ANTI-SOCIAL BEHAVIOUR**

(1) Telephone, written and e-mail complaints – Details of the complaint will be formally recorded acknowledged and is assigned to a case officer and issued with a case number. In addition advice will be given and if the matter requires further investigation a nuisance/incident diary will be issued for completion and return. A referral to the Mediation Service will be offered where appropriate and information regarding the service will be provided. In certain cases it will be recommended that a report is also made to other agencies such as the Police.

It is extremely important to complete the nuisance/incident diary. This is an essential part of the investigation process and without detailed reports and information it may not be possible to take the necessary course of action. Each case will be graded and a risk assessment will be carried out. The council aims to provide a response within 3 working days from the date of receipt although this could change depending on the grade.

(2) Anonymous reports- Where possible anonymous complaints will be investigated. However actions will be restricted, as it is not possible to report progress or check back with the complainant.

(3) Reports made in person – If you would like to make a report in person, please contact the Anti-Social Behaviour Team who will ensure that an individual officer has time to deal with the report or to arrange a mutually convenient time to meet. The process will then follow as for the complaints in (1) above.

Reports regarding noise from Audio Systems should be made to Environmental Health by calling the Call Centre on 01442 228000.

## **B. RACE HATE AND HIGH RISK REPORTS**

(1) Racial Harassment/ hate crime or incidents - will be treated with the highest priority.

Racially Offensive Graffiti will be removed within 24 hours of reporting to Dacorum Borough Council and should be reported to 01442 228000

(2) Threats or actual violence against persons, drug dealing, and intimidation or criminal activities.

These complaints can also be received in any of the above ways. Details of the incidents will be taken and where appropriate the matter will be dealt with by the Anti-Social Behaviour Team. Victims will be encouraged and supported to make reports of the incidents to the Police. Our initial response will include contact with the victim; any witnesses and all parties will be interviewed within 1 week wherever possible or sooner where appropriate to do so according to the case grading.

Remember – if you have been a victim or witness of a crime you should contact the police.

- In an emergency always dial **999**.
- If your call is a non-emergency dial **101**.

## **PROCESSING A REPORT**

All reports of anti-social behaviour will be dealt with by the relevant landlord or the Anti-Social Behaviour Team. Consideration will be given to the most appropriate and proportionate course of action. For Environmental Health matters these need to be reported to them directly.

### **Reporting Anti-Social Behaviour**

All reports will be taken seriously.

We will provide support for

- Dealing with individual complaints promptly, fairly and impartially
- Recording their concerns
- Grading ASB case and publishing investigation times
- Respecting confidentiality
- Keeping them informed throughout the process
- Advising them when a case is closed

- Referring them to other supporting agencies and services where appropriate
- Providing a comprehensive support package for victims and witnesses [WASP]
- Providing interpreters on request for people whose first language is not English
- Providing signers on request for people who are hearing impaired. Or in any other ways that may be appropriate to their circumstances.

If you have been a victim of ASB then action taken against the perpetrator could range from;

- Verbal /written Warning
- Injunction
- Acceptable Behavior Contract [ABC]
- Undertaking
- Anti-Social Behavior Order
- Possession

Diary sheets or incident report forms are usually provided to the individual making the report to keep a record of the anti-social behaviour or neighbour nuisance, after which the forms should be returned to the Anti-Social Behaviour Team

When the case has been reviewed the initial course of action will be taken in consultation with the victims.

Those reporting ASB will be interviewed to discuss;

- circumstances of the complaint
- any alternative versions of events
- witnesses
- corroborative evidence
- possible remedies and time scales
- obligations if appropriate
- sanctions available
- any other relevant matters

- support or advice
- target hardening

The response may include the following self-help;

- Advice to speak to a neighbour
- Referral to local mediation service
- Voluntary agencies that may help including Citizens Advice Bureau

If the behaviour escalates the person making the report will be asked to contact the Anti-Social Behaviour Team who will aim to respond within stated response times. All cases will be considered individually and proportionate action will be taken.

Once a complaint is received, a lead officer will be assigned to investigate the complaint. The officer will make an assessment based on the seriousness of the complaint and the expectations of the individual making the report. Depending on the grading, the lead officer will send a diary sheet or an incident report form, to keep a record of the anti-social behaviour or neighbour nuisance, after which the forms should be returned to the council.

The officer will then conduct a second assessment based on the information contained in the diary sheet or incident report form and, if appropriate, take action.

#### **Action that can be taken by a lead officer**

There are several different options available to the lead officer, including;

- Early Warning letters
- Acceptable Behaviour Contracts [ABC]
- Civil Injunctions
- Noise Abatement Orders (in partnership with Environmental Health Officers)
- Demotion Orders
- Closure Order
- Possession Proceedings and the enforcement of Possession Orders (evictions)

- Prosecution either by the Council, the Police or in partnership
- Curfews
- Drink Banning orders (in consultation with the Police)
- Forfeiture
- Early warning letters are issued to the parent and the individual involved in ASB to draw attention to the activities of that individual. The yellow and red letters are hand delivered by a member of the ASB team or the police. This will ensure that the behaviour has been identified before they have reached the stage of an Acceptable Behaviour Contract or Civil Injunction
- Refer the complaint to another department or agency, gather further evidence, statements, photographs, professional witness evidence and medical evidence
- Write to the offending party and request an interview to discuss the issues
- Neighbour disputes can be referred to the local mediation service
- Take preventative action by way of an acceptable behaviour contract or, parental control agreement
- Enforcement action by way of Civil Injunction. Closure Orders or Possession proceedings.

### **VICTIM/WITNESS SUPPORT**

Victims of Anti-Social Behaviour will be offered the services of an independent victim support officer. The victim support officer can provide practical and emotional support to any victim of ASB. This includes accompanying them to court visits, telephone and face to face contact. Anything discussed with the victim support officer will remain confidential, unless safeguarding issues are identified. The victim support officer will remain engaged with the victim of ASB for as long as necessary.

### **EMERGENCY TRANSFERS**

In the event that there is an emergency situation then the Council may determine the need for providing temporary accommodation. 'A move agreed in exceptional circumstances due to significant issues associated with the tenant's occupation that has resulted in imminent personal risk to the household if they remain '[housing allocation policy 2013]. All requests for emergency housing are considered in accordance with the Housing Allocations Policy



## **MONITORING ANTI-SOCIAL BEHAVIOUR**

All reports of anti-social behaviour are recorded electronically and reported to the home office on a quarterly basis, the following figures are recorded;

- Anti-Social Behaviour Reports
- Racial harassment cases
- Hate crime / incidents
- Cases referred for mediation
- Acceptable Behaviour Contracts agreed
- Acceptable Behaviour Contracts refused
- Undertakings agreed
- Undertakings refused
- Anti-Social Behaviour Orders obtained
- Interim Anti-Social Behaviour Orders obtained
- Injunctions for ASB or breach of tenancy
- Introductory tenancies involved in ASB
- Introductory tenancies where Notice of Proceedings for Possession is served for ASB.
- Notices Seeking Possession served for ASB
- Possession orders obtained for ASB
- Evictions carried out on the grounds of ASB
- Yellow/ Red warning letters
- Number of demoted tenancies
- Number of demoted tenancies returned to Court for possession proceedings.
- Premises Closure orders for persistent nuisance or drugs related

### **Absolute Ground of Possession**

The absolute ground of possession will only be used where serious housing-related anti-social behaviour or criminality has taken place eg. premises closure or certain criminal

convictions. The use of this ground will be considered and decided by a Housing Panel whose members are independent to the investigations.

**Review procedure**

Local authority tenants have a statutory right to request a review of the Council's decision to seek possession under the absolute ground, by a more senior officer not involved in the original decision.

Such a request must be made in writing and received by the Council before the end of the period of 7 days beginning with the day on which the notice is served.

**An application for a review must include—**

- (a) the applicant's name and address;
- (b) a description of the original decision in respect of which the review is sought including the date on which the decision was made;
- (c) a statement of the grounds on which the review is sought;
- (d) a statement to the effect that the applicant does, or does not, require the review to be conducted by way of an oral hearing;
- (e) a statement to the effect that the applicant does, or does not, agree to receive communications relating to the review by email, and if the former, the email address to which such communications should be sent.

On a request being duly made to it, the Council will review its decision. The tenant has a right to an oral hearing. If no oral hearing is requested, the review will be conducted without a hearing.

The Council will notify the tenant in writing of the decision on the review.

If the decision is to confirm the original decision, the Council will also notify the tenant of the reasons for the decision.

The review will be carried out, and the tenant notified, before the day specified in the notice as the day after which proceedings for the possession of the dwelling-house may be commenced.

## **COMMUNICATION**

Anti-Social Behaviour will be communicated in the following way;

(1) To customers, partner organisations and elected Members:

- via Press release(s) and by providing comment on relevant news items
- via the Council's website
- via meetings

- through dealing with individual cases
- by providing copies of the policy and procedure and summary to partner agencies (such as the Police, Herts County Council, Registered Social Landlords, Parish and Town Councils, elected Members and local MP's.

2) To members of staff:

- via team meetings, briefings and training sessions for operational staff
- inclusion in The Review (staff magazine)
- Dacorum Digest

## **NOT SATISFIED WITH THE SERVICE?**

### **Complaints**

Can be made in writing, by email, in person, or by telephone and will be dealt with in line with the Council's Complaints Policy. Full details are available on the Council's website.

If after this stage if you are still not entirely satisfied you may complain direct to the Local Government Ombudsman - details can be found on our website.

### **Community Trigger**

Regardless of who has been managing your anti-social behaviour concerns, eg Council, Police, Housing Association or any other agency, you are now able to make a request for the Community Trigger to be applied if the appropriate criteria has been met. The criteria is that there has been at least 3 individual reports in the last 6 months or that there has been 3 reports by different individuals in the last 6 months. This process is managed by the Community Safety Partnership and the Anti Social Behaviour Team at Dacorum Borough Council are the point of contact.

Full details of the Community Trigger are available

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