



Anti-Social Behaviour Policy

Last reviewed August 2019

1.0 Anti-Social Behaviour Policy overview

This policy was adopted on 10 September 2019 and is managed and adhered to by Environmental and Community Protection Service and the Housing Service. This policy will be reviewed every two years.

Contents

1.0 Policy overview

- 1.1 Introduction
- 1.2 Aim(s) of the policy
- 1.3 Links to the Council's corporate aims
- 1.4 Equality and diversity
- 1.5 Policy statement

2.0 Anti-Social Behaviour detail

3.0 Our Commitments

4.0 Additional considerations

5.0 Links to other corporate strategies and policies

6.0 Legislation

1.1 Introduction

Dacorum Borough Council (DBC) recognises that the problems created by Anti-Social Behaviour (ASB) need to be dealt with in a robust but proportionate manner. Residents are entitled to live in a quiet and peaceful environment, so when appropriate the Council will aim to work quickly and efficiently to tackle incidents of ASB.

The Council's ASB policy applies to tenants and residents (regardless of tenure), their family members and other occupants and visitors.

The Anti-Social Behaviour, Crime and Policing Act 2014 defines ASB as:

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

1.2 Aim(s) of the policy:

The aims of this policy are to;

- Set out DBC's approach to how it delivers its service and the commitments it makes to respond and effectively deal with various aspects of ASB
- Set out the obligations of the relevant Council departments

1.3 Links to Council's corporate aims:

This policy supports the council's corporate priorities which are set out in '[Delivering for Dacorum – Corporate Plan 2015-2020](#)'

1.4 Equality and diversity

DBC is committed to promoting equality of opportunity in its services and has procedures in place to ensure that all residents are treated fairly and without unlawful discrimination.

The Equality Act 2010 provides a framework to ensure Council services are not provided in a discriminatory manner by having due regard to eliminating discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations. Under this policy, the Council will also:

- Demonstrate that we have considered any vulnerability identified within the Act 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 the perpetrator.
- Ensure that the proposed legal action is a proportionate response to the anti-social behaviour.

1.0 Anti-Social Behaviour Policy

1.5 Policy Statement(s)

Our Responsibilities

1. Our role as a social landlord.

As a landlord, we have 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.

2. Our role as part of the Community Safety Partnership

Under the Crime and Disorder Act 1988, the Council must work with the Police and other agencies to reduce crime and disorder in Dacorum. In this role, we play a key part in dealing with ASB of all kinds.

3. Our environmental protection role

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

Whilst these are three distinct roles, there are very strong links between them and close working arrangements have been developed between teams that deliver the various services.



2.0 Anti-Social Behaviour Policy detail

The Council considers the impact on victims crucial and operates a victim-centred approach when dealing with ASB.

How each case is handled will vary depending on the specific circumstances of the victim and the perpetrator. All service users will be treated with dignity and respect. Language barriers and certain forms of mental illness or disability may make it difficult for some people to express themselves or communicate clearly, so officers will consider use of advocates, translation services and/or make reasonable adjustments to meet the needs of the individuals.

Examples of ASB

Noise:

Loud Televisions and music, persistent and unnecessary or excessive noise, shouting or yelling, excessively loud or frequent parties.

2.0 Anti – Social Behaviour Policy Detail continued

Intimidation, harassment and violence:

Verbal or written abuse, threats of violence **that have also been reported to Police**, 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 or storing or using illegal drugs or handling stolen goods, domestic violence.

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 take reasonable steps to prevent others living in the property (including 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 management function;
- Misuse of communal areas (including parking areas); and
- Use of motor vehicles in an anti-social manner by tenants or others living in the property or visitors of tenants or others living in the property – in these cases tenants will be referred to the housing policies and procedures.

The above is not an exhaustive list of conduct falling within each aspect of ASB, so is not intended to be read as such.

When we may not be able to get involved

We are unable to control human relationships. 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 the Council's Anti-Social Behaviour Team. Examples include, but are not limited to:

- Children playing in the street or communal areas and young people gathering socially, unless they are being threatening or deliberately intimidating;
- Parking issues (not being able to park outside your own home);
- Civil disputes between neighbours e.g. shared driveways, fences; and
- Complaints about normal household noise or a single minor incident.

The Council has a limited ability to investigate and address ASB when complainants wish to remain anonymous. Perpetrators may be able to identify the person or house complaining even without names being disclosed. This also limits the evidence that can be produced in Court or the weight of that evidence, and therefore restricts the outcomes that we can expect to achieve with formal legal action.

3.0 Our Commitments

The Council's Anti-social Behaviour Policy is founded on the following five objectives.

1. No one should have to tolerate ASB
2. Reports of ASB will be treated seriously and dealt with professionally
3. ASB will be dealt with firmly, fairly and proportionately
4. We will work with partners in order to deliver an effective, value for money ASB service across the community
5. We will provide a high quality service that meets people's identified needs

3.0 Our Commitments continued

3.1 No one should have to tolerate ASB

Our policy is to:

- Make people aware of what anti-social behaviour is;
- Publicise and promote our various services to combat ASB;
- Encourage people to report ASB;
- Seek to respond to each reported case of ASB as quickly as possible; and
- Support victims of ASB throughout the case

3.2 Reports of ASB will be treated seriously and dealt with professionally

Our policy is to:

- Assess (and reassess, when the Council considers necessary) the seriousness of the ASB reported to us.
- 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 and any other relevant legislation.
- Ensure that criminal ASB reported to the Council is quickly passed on to the Police.
- Register and record each case we take on.
- Fully investigate the complaint, which may involve interviewing any alleged perpetrator and may involve interviewing third party witnesses.
- Quickly refer cases between the different departments of the Council and to other agencies as necessary.
- Formally close all cases in writing.
- Should we feel no action is appropriate, explain our reasons and advise on self-help or other alternative courses of action, whenever it is possible and appropriate to do this.
- Seek feedback on our handling of the case by way of satisfaction surveys sent to all complainants, once their case has been closed.
- Look to improve our service based on the feedback we receive.

3.3 ASB will be dealt with firmly, fairly and proportionately

Our policy is to:

- Take any necessary early action to protect people and property.
- Investigate the circumstances and seek to understand all the facts of the matter reported to us.
- 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.
- Use any of the tools and powers available to us under the law and Council policy, according to our best professional judgment.
- Take into account (and adjust our approach as necessary) when a victim or perpetrator is a vulnerable person.
- With the consent of the people involved, we may refer suitable cases to a mediation service.
- Not necessarily intervene where the issue involves private sector housing or private businesses, where there is no statutory duty on the Council to act.
- Insist that when dealing with a neighbour dispute that mediation be attempted and this may be the only action taken by the Council where there is no impact on the wider community.

3.0 Our Commitments continued

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

Our policy is to:

- Play a full part as a key member of the Dacorum Community Safety Partnership.
- Participate in relevant strategic or preventative initiatives.
- Participate in permanent or ad-hoc multi-agency working groups dealing with specific ASB issues.
- 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.
- Consider whether reports or actions are considered inappropriate or unreasonable and ensure such reports do not take up a disproportionate amount of officer time and to ensure public money is not misspent.

3.5 We will provide a high quality service that meets people's identified needs

Our policy is to:

- Ensure that staff dealing with ASB are appropriately trained.
- Ensure that staff dealing with ASB understand and follow agreed policies and procedures.
- Focusing the response to ASB on the needs of the victims by adopting a victim-centred approach.
- Review this and other relevant policies to reflect new legislation and lessons learnt.
- 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.
- Ensure all steps are considered in line with the Equalities Act and that if there is a known vulnerability, or if one becomes known during the course of the investigation, that details are recorded and taken into account when deciding how to proceed or respond.



4.0 Additional Considerations

4.1 Examples of tools that we can use to tackle ASB

There are a number of tools available to Local Authorities and Housing providers. Using the relevant legislation, we will take the lowest level of intervention appropriate in the circumstances.



4.2 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 Anti-social Behaviour Team if necessary.

If the case is passed to the ASB team, the allocated ASB Officer will make contact with the victim and provide contact details. Whether the victim is working with the housing team or the ASB team, an action plan will be completed which will detail what the victim can expect from the Council and what the investigating officer will need from the victim in order to resolve the investigation. The Council will work with local agencies and community groups to help provide support, both practical and emotional, for victims of ASB.

DBC is committed to providing a high level of service to both victims and witnesses of ASB. Council will consider using professional witnesses and hearsay evidence where appropriate to do so

DBC 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 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:

4.3 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. DBC, 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 Council's Lead officer for community safety. Further information on the Community Trigger can be found on the DBC website at:

www.dacorum.gov.uk/communitytrigger



4.0 Additional Considerations continued

4.4 Confidentiality and information sharing

Where appropriate, DBC 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.

DBC 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 General Data Protection Regulations (GDPR) / Data Protection Act 2018 that provides a background for the sharing of information and the need for confidentiality and privacy.

There is more information on how we use your information in our Privacy Policy, which is available on our website:

www.dacorum.gov.uk/privacypolicies

Specific action or details of the action or measures being taken with the third party will not be disclosed to the complainant by any investigating officer, unless there is a valid legal reason for the Council to do so.

4.5 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 respect. 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 procedures.



5.0 Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and strategies:

- Children, young people and Adult Safeguarding Policy and procedures
- Lone working Policy
- Strategic Tenancy Policy
- Allocations Policy
- Corporate Complaints Policy
- Sustainable Tenancy Strategy
- Pet Policy

6.0 Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- Data Protection Act 1998, 2003 and 2018
- 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 Anti-social Behaviour Act 2003 and the Clean Neighbourhoods and Environmental Act 2005
- Children's Act 2004
- Harassment Act 1997
- Human rights Act 1998
- Homeless Reduction Act 2018
- Freedom of Information Act 2000
- Equality Act 2010
- Anti-Social Behaviour, Crime and Policing Act 2014

7.0 Partner Agencies

There are many partner agencies that we work with on anti-social behaviour are listed below:

- Hertfordshire Constabulary
- Hertfordshire Fire and Rescue
- Police and Crime Commissioners
- Housing Associations
- Mental Health Service
- Probation Service
- Hertfordshire Clinical Commissioning Group
- Hertfordshire County Council
- Neighbouring Local Authorities
- Her Majesty's Prison Service
- Change, Grow, Live
- DENS
- West Herts College
- Hertfordshire Partnership NHS Foundation Trust
- Community Safety Partnership