

# DARTFORD

## BOROUGH COUNCIL

# Anti-Social Behavior Policy

February 2015

## 1. Introduction

This Anti-Social Behaviour Policy sets out the action Dartford Borough Council (the Council) takes to tackle ASB in the Borough. It incorporates the action that will be taken by all of the key departments of the Council in tackling ASB including Housing, Environmental Health, and the Community Safety Unit, and has been updated to take into account the requirements of the Anti-Social Behaviour, Crime and Policing Act 2014.

## 2. Policy Statement

2.1. To tackle the problems created by anti-social behaviour (ASB), the Council will work together with a range of agencies to prevent ASB and promote strong successful communities. It is our aim to put victims at the heart of our response in tackling anti-social behaviour; the Council will:

- Provide an accessible, effective service, which encourages residents to report incidents;
- Develop community safety strategies to prevent ASB and take firm action against perpetrators;
- Protect and support victims and witnesses, complying with procedures on confidentiality at all times;
- Carry out risk assessments that help assess vulnerable victims, enabling us to take appropriate and necessary action to protect them
- Tackle inequality and discrimination;
- Work in partnership with tenants, residents and others agencies to provide an effective response.

2.2. The Council uses the following definitions of anti-social behaviour as stated in the Anti-social Behaviour, Crime and Policing Act 2014. Anti-Social Behaviour is deemed as being:

- 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.

2.3. Anti-Social Behaviour also includes behaviour and activities that are covered in more detail within specific policies, procedures and practices:

- **Racial incident reporting** – an established procedure for reporting racial incidents across all departments of the Council with a dedicated Independent Reporting line available at all times - 0800 163124

- **Domestic Abuse** – the Council supports victims of domestic abuse and continues to support multi agency-working. If a Council tenant is charged with an offence relating to domestic abuse, it will be considered a breach of the Council's Tenancy Agreement.
- **Tenancy Policy** – confirms the sanctions the Council will put in place to prevent ASB including evicting the household concerned if the behaviour continues. By granting flexible tenancies, the Council can review whether there is a case for not renewing the tenancy.
- **Demoted Tenancy Policy** – makes it clear that breaches of the secure tenancy agreement may result in a demotion order being sought by the Council, and the procedure for obtaining one, and offers an alternative for possession orders in cases of anti-social behaviour
- **Community Safety Plan** – The Dartford & Gravesham Community Safety Partnership's yearly plan outlines a number of key priorities which aims to reduce crime and disorder, making our boroughs safer and cleaner places to live, work and socialise.
- **Management Transfers** – are available where a tenant needs to move due to violence, harassment, intimidation, or threats of violence likely to be carried out

### 3. Priorities

- 3.1 This Policy incorporates a number of the Community Safety Partnerships priorities, as stated in the Dartford and Gravesham Community Safety Plan (CSP):
- Violent Crime & Domestic Abuse
  - Anti-Social Behaviour
  - Acquisitive Crime (including property crime)
  - Substance Misuse
  - Reduce Reoffending
  - Road Safety
- 3.2 Tackling ASB is a priority both for Dartford Borough Council, our partner agencies and for people living in our communities. People deserve a quality of life that is not blighted by the actions of a minority. The Council is committed to driving down levels of ASB by trying to resolve issues at the earliest stages to prevent problems from escalating and taking enforcement action where problems persist despite early intervention. This will be achieved by:
- Working closely with the Police and other agencies to take clear actions towards reducing the level of crime and anti-social behaviour, recognising that this is a key quality of life issue for residents.
  - Focusing on tackling anti-social behaviour and protecting witnesses and victims.
  - Working in partnership with Police Community Support Officers and Community Wardens

- Designing out the potential for crime wherever possible and pro-actively using overt CCTV, where appropriate, to tackle and prevent crime and anti-social behaviour. The Council will work in partnership with residents, business, the voluntary sector and other relevant groups, to build stronger, safer, socially inclusive communities.

#### 4. Prevention and early intervention

- 4.1. The Council will use a range of approaches to prevent or stop anti-social behaviour, including making use of introductory and demoted tenancies, Acceptable Behaviour Agreements; community resolutions, mediation and Community Protection Notices and other powers introduced by the Anti-Social Behaviour Crime and Policing Act..

The Council will work in partnership with residents, partners and other groups to achieve this outcome by

- Working with **Kent Police**, to reduce occurrence or reoccurrences of ASB in a particular area.
  - Using **Patrols by Police, KCC Wardens and DBC staff** to provide a visible presence in the community and gaining useful information on problems in the area
  - Working with the **Youth Inclusion Support Panel** who are able to intervene at an early stage in a young person's life before their anti-social behaviour becomes criminal, offering structured programmes of support, with the aim of preventing reoffending.
  - Make full use of powers under licensing legislation to ensure that licensed premises are well managed.
  - Actively engaging with young people at risk of ASB through preventative measures including leisure, sport and recreational activities and targeted youth services in key locations
- 4.2. The Council is committed, where possible, to intervene at an early stage in response to a report of anti-social behaviour, recognising that a swift response can often stop a problem escalating.

#### 5. Enforcement

Tenants, leaseholders and staff have access to a variety of services provided by the Council, as a landlord, to tackle ASB:

- **Housing Management** - Housing Management staff make initial and ongoing assessments including obtaining evidence for the Court including copies of all reports, and manage the majority of cases until resolution
- **Environmental Health** – Deal with noise nuisance some aspects of rubbish dumping, odours from filthy properties/gardens and nuisance bonfires. They also liaise with Housing Management staff
- **Private Sector Housing Team** - Provide an advice and support service to private sector residents. This includes advice on illegal eviction and harassment

- **Community Safety Unit** - based at the Civic Centre helps develop, coordinate and monitor the Council's work to reduce crime, disorder and anti-social behaviour
  - **Supported Housing Service** - carry out housing management functions in supported housing, including dealing with initial stages of antisocial behaviour within their schemes
- 5.1. The most appropriate enforcement action will be decided on a case by case basis. The Council will consider the use of CCTV, including the use of rapid deployment CCTV units, where appropriate and feasible, to assist with evidence gathering and to act as a deterrent in relation to ASB incidents, in line with the current CCTV Policy.
  - 5.2. The Council uses flexible tenancies for new tenants and will review whether or not to renew tenancies if ASB occurs during the tenancy term.
  - 5.3. The Council will also consider demoting secure tenancies where anti-social behaviour is confirmed
  - 5.4. The Council will use injunctions, possession proceedings and powers set out in the Anti-Social Behaviour Crime and Policing Act 2014, to deal with allegations of ASB where the appropriate evidence supports it.
  - 5.5. The powers introduced by the above Act include:
    - New Civil Injunctions
    - Criminal Behaviour Orders
    - A new absolute ground for possession for social housing providers
    - ASB Case Reviews (Community Trigger)
    - Dispersal powers
    - Community Protections Notices (CPNs)
    - Closure Powers
    - Public Spaces Protection Orders (PSPOs)
  - 5.6. It is envisaged that the three main powers that will have the most operational impact on ASB will be the new injunctions, the “absolute” ground for possession and the ASB case review process. In addition, working with the Community Safety Unit, the Council will assist partner agencies to take enforcement action in using the powers open to them, such as Closure Order applications and the issuing of Community Protection Notices.
  - 5.7. The new injunction will be applicable for individuals aged 10 years or above and will involve making an application to the youth court for people under 18 years old. Consultation with the Youth Offending Team will also be required in these circumstances.
  - 5.8. The absolute ground for possession, introduced under section 84A of the Housing Act 1985 can be used where certain specific conditions are met as follows:

- a) The tenant, a member of the tenant's household or a person visiting the property has been convicted of a serious offence. Examples of serious offences include violent and sexual offences and offences relating to offensive weapons, drugs and damage to property
- b) The tenant, a member of the tenant's household, or a person visiting the property has been found by a court to have breached a prohibition contained within an injunction.
- c) The tenant, a member of the tenant's household, or a person visiting the property has been convicted of breaching a Criminal Behaviour Order.
- d) The tenant's property has been closed for more than 48 hours under a closure order for Anti-Social Behaviour.
- e) The tenant, a member of the tenant's household, or a person visiting the property has been convicted of breaching a noise abatement notice or order (under the Environmental Protection Act 1990).
- f) The offence or anti-social conduct must have been committed in the property or in the locality, or elsewhere but has affected a person with a right to live in the locality of the property or affected the landlord's staff or contractors.

5.9. This new power is a significant change to the law and has been introduced to bring faster relief to victims of Anti-Social Behaviour. In using them, Dartford Borough Council will continue to ensure that any action taken is 'Justified, Proportionate and Necessary'.

## 6. Responsibilities

- 6.1. The Council's ASB Policy and associated policies set out the Council's obligation to ensure that residents are able to have a quality of life and live in their homes free of anti-social behaviour. At the same time, the Council has expectations that residents will show respect and tolerance towards their neighbours.
- 6.2. DBC tenants have specific obligations which are set out in their tenancy agreement. Information is given to tenants on acceptable behaviour when they sign their tenancy agreement. The tenancy agreement is a legally binding contract between the Council and its tenants, and the Council will take all reasonable steps to ensure that it is complied with.
- 6.3. **Council Leaseholders** - Council leaseholders are bound by the covenants and conditions specified in their lease. The wording and content of the conditions are very similar to those in the tenancy agreement, and similarly covers the leaseholder, their household members, pets and visitors.
- 6.4. **Licensees and others** - The behaviour of residents who hold licences with the Council are bound by the conditions set out in the licence. Licensees will be in temporary accommodation provided by the Council and the conditions are fully explained to the resident when they sign an agreement for the occupation of the property.

## **7. Reporting and responding to anti-social behaviour**

- 7.1. The Council is committed to making the reporting of anti-social behaviour as straightforward as possible. It can be reported by telephone on 01322 343000 or by letter or online via the Council's website. Alternatively in person to a Housing Officer or through the Contact Centre or through the CSU or another Council department.
- 7.2. It may also be reported through the Council's Out of Hours Service that receives calls outside office hours and ensures reports are passed to appropriate departments. They can also arrange emergency repairs and security measures for council tenants. The Community Alarm Service provides a 24-hour response to customers who are linked to the service, and makes referrals to other staff as appropriate.
- 7.3. The Council's response to reports of anti-social behaviour will be based upon what is considered to be proportionate and appropriate in all the circumstances. Action taken by staff will be specific to each situation based on the circumstances.

## **8. What will not be considered anti-social behaviour?**

- 8.1. None of the following will generally be considered as anti-social behaviour:
- Babies crying
  - Cooking odours
  - Normal behaviour occurring at unusual times due to different working patterns, provided that the resident is attempting to keep disturbance to a minimum.
  - One off celebrations.
  - Clash of lifestyles including cultural differences
  - Children's play
  - Noise transference from one property to another
- 8.2. Staff will give advice in the above circumstances and offer a referral to a mediation service if appropriate.

## **9. Categorising and responding to the severity of anti-social behaviour**

- 9.1. The Council has adopted the ASB categories as set out by the Communities and Local Government Department (CLG), which give a clear guide to areas of behaviour which could fall within the definition of ASB.
- 9.2. Anyone reporting an incident of ASB that requires action (and is not being reported for information purposes only) will have the type of ASB being reported categorised as one of the following:
- Alcohol related anti-social behaviour

- Criminal behaviour
  - Domestic abuse including coercive and controlling behaviour
  - Drugs misuse / drug dealing
  - Garden nuisance (e.g. not keeping the garden maintained or dumping goods in the garden)
  - Hate related incidents (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).
  - Litter / fly-tipping
  - Misuse of communal areas or public spaces
  - Noise
  - Nuisance from vehicles
  - Animal nuisance
  - Prostitution or operating a brothel
  - Vandalism and damage to property (such as graffiti)
  - Verbal abuse / harassment / intimidation / threatening behaviour.
- 9.3. The severity rating of an ASB allegation is determined by the impact on the victim taking account of their vulnerability, as well as the category or type of ASB they are suffering from. Serious cases include those involving violence and threats as below:
- Domestic abuse
  - Hate crime, this could include harassment, and threats because of someone's ethnicity, sexuality and/or religion
  - Violence or threats of violence
  - Sexual assaults or harassment
- 9.4. The degree of impact the behaviour has on the victim is, in part, determined by using a Risk Assessment Matrix (RAM), a process which is completed with the victim and captures factors or influences which may increase or decrease the risk of harm towards the victim, factors such as the frequency and type of behaviour in question, the age of the victim, whether they have any disabilities or the lack of a support network (i.e. family and friends) in place to help the victim.
- 9.5. If the complainant is considered to a vulnerable person or if the ASB is serious then the Contact Centre will inform the complainant that a Housing Officer will contact them within 48 hours, for all other cases the Housing Officer will contact the complaint within 10 days.
- 9.6. If there is an emergency, for example a crime is in progress, there is an immediate threat to property, someone's life or someone has been injured, the Contact Centre will advise the caller to report the incident direct to the Police using 999.
- 9.7. Situations or non-urgent issues that do not require an immediate police response reports should be made to the police using 101.

- 9.8. Staff investigating reports of anti-social behaviour will make contact with the complainant within the above time scales. Whilst undertaking investigations, personal safety is of paramount importance and members of staff are required to work in accordance with the Council's Health and Safety Policy.
- 9.9. There will be regular contact with the complainant throughout the duration of the case, in most cases it is expected that weekly contact will be made. However the frequency will be agreed at the initial meeting with the complainant when an action plan is agreed, at which point the investigation process will also be explained.

## **10. Under 18s**

- 10.1. Where the alleged perpetrators are children or young people the Council will involve parents and guardians to help resolve the problem, and may also liaise with social services (to ensure any necessary assessments are undertaken), schools, youth offending teams, and any other relevant bodies.
- 10.2. The Council will take appropriate action in cases involving vulnerable under 18s according to our Child Protection Policy.
- 10.3. Legal action against under 18's will only be taken after consultation with the Youth Offending Team (YOT).

## **11. Support for victims, witnesses and alleged perpetrators**

- 11.1. The Council takes the safety of victims and witnesses seriously. Where appropriate, the Council will work with partners to provide additional safety measures to offer protection to our customers, including but not limited to additional home security under the Sanctuary Scheme, visits by staff, and the provision of personal alarms whilst there is a risk of recurrence or reprisal.
- 11.2. Support may be provided through legal measures, e.g. obtaining an injunction; providing additional security works, or in severe cases, arranging temporary or permanent rehousing.
- 11.3. Assistance will also be offered to support witnesses through the Court process, accompanying them and familiarising them with the Court system. A package is prepared for victims of ASB including diary sheets, useful numbers to call etc. In terms of emotional support, the Council makes referrals to a range of services provided by the Council or by external partner agencies, such as Victim Support, Restorative Justice and mediation.

## **12. Protecting and Supporting Vulnerable Groups**

- 12.1. The Council will consider whether victims, witnesses or perpetrators have any known support needs which may affect their case. It is recognised that there is a need to support residents who may have difficulty in managing their tenancy because of, for example, mental health issues, learning difficulties,

physical disabilities or because of other vulnerabilities. Appropriate action in these cases will be taken in accordance with the Council's Adult Safeguarding Policy and arrangements will be made for any appropriate support through Social Services or any other Service Provider

- 12.2. Perpetrators of ASB can also be vulnerable and benefit from support. Where legal action is being considered against an individual for anti-social behaviour, reasonable checks will be made to try and ensure that the perpetrator is protected from discrimination, in accordance with the Equality Act 2010.
- 12.3. The Dartford Turnaround Project (the local Troubled Families programme), will provide support to families to address underlying causes that may be contributory factors to the ASB being perpetrated.

### **13. Evaluation and Closing of Cases**

- 13.1. The Council will keep accurate records of all cases of reported anti-social behaviour with details of all action taken. These records will assist in providing data on levels and types of anti-social behaviour. On closing a case, residents are asked to complete a customer satisfaction survey to assist in improving the service.
- 13.2. Monitoring Targets and local performance indicators have been set to ensure that complaints of ASB are being dealt with effectively. The Housing Manager provides monthly information on anti-social behaviour as follows:
  - No. of anti-social incidents reported
  - Time taken for initial response to ASB
  - Time taken to prepare action plan
  - Time taken to close cases

### **14. ASB case reviews**

- 14.1. The Anti-social Behaviour, Crime and Policing Act 2014 includes a new measure which is designed to give victims and communities a say in the way anti-social behaviour is dealt with. The ASB case review process, more commonly known as the 'Community Trigger', gives victims the ability to demand a review of their case. The Community Trigger can be used if you have reported at least three incidents of anti-social behaviour to a relevant organisation, i.e. the Police, Dartford Borough Council or your Housing provider, within the previous six months. These are incidents where the same behaviour, nuisance or problem has reoccurred and was reported within one month of it happening.
- 14.2. For the purpose of the Community Trigger, an incident of anti-social behaviour is defined as behaviour causing harassment, alarm or distress to a member,

or members, of the public. This could include behaviour such as vandalism, public drunkenness, noisy or abusive neighbours.

- 14.3. The Community Trigger is not designed to replace existing anti-social behaviour reporting lines or for the reporting of general acts of crime, including hate crimes although these can be included in the number of incidents you have reported if you feel they were part of the anti-social behaviour.

## **15. Data protection and confidentiality**

- 15.1. The Council will adhere to the Data Protection Act 1998 and comply with the best practice guidance set out in the Framework Code of Practice for Sharing Personal Information published by the Information Commissioner to ensure that confidentiality is maintained in line with the Councils current Data Protection Policy.
- 15.2. The Council has established arrangements within the Community Safety Partnership which sets out the formal working arrangements between the Council and the Police for dealing with crime, anti-social behaviour and disorder. The Council is signed up to the Kent and Medway Information Sharing Agreement and will abide by the conditions set out in this document that applies to all Council directorates. The Protocol ensures that appropriate information is securely exchanged between the agencies when dealing with incidents and perpetrators, and that such information is used appropriately in accordance with the Data Protection Act 1998, the Human Rights Act 1998 and the Crime and Disorder Act 1998.
- 15.3. The Council reserves the right to make a referral to social services, the police or other agency where appropriate without the permission of the complainant where the situation and the provisions of the Data Protection Act 1998 (and any other relevant legislation) justify it.

## **16. Equality and diversity**

The Council will treat all customers with fairness and respect. It is recognised that the Council has an ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

## **17. Policy review**

This policy will be reviewed every two years, or in the event of major legislative changes, within this time.