

Anti-Social Behaviour and Hate Incident Policy

The Anti-Social Behaviour and Hate Incident Policy sets out the overall approach Dartford Borough Council takes towards tackling anti-social behaviour and hate incidents in the Borough.

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1 INTRODUCTION

- 1.1 Anti-social behaviour is conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
- 1.2 Hate incidents are a type of anti-social behaviour motivated by hostility or prejudice towards particular protected characteristic groups (see 6.5).
- 1.3 Anti-social behaviour and hate incidents can have a disruptive and damaging effect on individuals and communities. No one should have to experience this type of unacceptable behaviour. Dartford Borough Council ('the Council') aims to create a safe borough in which to live, work and socialise, and treats all reports of anti-social behaviour and hate incidents seriously.
- 1.4 The Council has a wide range of responsibilities and powers in respect of dealing with anti-social behaviour, which exist across Council departments but mainly within four service areas – the Community Safety Unit; the Environmental Enforcement Team; the Housing Service; and, the Environmental Health Service. Whilst they are four distinct service areas, there are very strong links between them and close working arrangements have been developed and continue between them to protect communities from anti-social behaviour and to promote a safe living environment.
- 1.5 This policy outlines the overall approach the Council takes towards deterring and tackling anti-social behaviour, including hate incidents, incorporating the roles of all four service areas.

2 STRATEGIC CONTEXT

- 2.1 The Crime and Disorder Act 1998 requires the Council to work together with the Police and other agencies to develop and implement strategies to reduce crime, disorder and anti-social behaviour. The Council has a range of additional powers to take action against those causing anti-social behaviour under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 2.2 As a social housing landlord, the Council has a duty under the Housing Act 1996 (as amended) and the Regulator of Social Housing's Neighbourhood and Community Standard 2024, to have a policy on how it works with relevant organisations to deter and tackle anti-social behaviour in the neighbourhoods where it provides social housing. There is also a requirement to clearly set out the approach for how hate incidents are deterred and tackled. This Policy fulfils these requirements.
- 2.3 This policy and its delivery is intended to be compatible with the Council's obligations consequent to all relevant legislation, statutory guidance, regulation and protocols including, but not limited to:
 - Crime and Disorder Act 1998
 - Anti-Social Behaviour, Crime and Policing Act 2014, and the Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour statutory guidance for frontline professionals

- Anti-Social Behaviour Act 2003 (as amended)
- Housing Act 1985
- Housing Act 1996
- Housing Act 2004
- Environmental Protection Act 1990 (as amended)
- Localism Act 2011
- Control of Pollution Act 1974
- Control of Pollution (Amendment) Act 1989
- Refuse Disposal (Amenity) Act 1978
- Criminal Procedure and Investigations Act 1996
- Criminal Justice and Public Order Act 1994
- Criminal Justice Act 2003
- Town and Country Planning Act 1990 (as amended)
- Regulation of Investigatory Powers Act 2000
- Dangerous Dogs Act 1991
- Clean Neighbourhoods and Environment Act 2005
- Litter (Animal Droppings) Act 1990 (as amended)
- Highways Act 1980
- Refuse Disposal (Amenity) Act 1978
- Protection of Freedoms Act 2012
- Care Act 2014
- Children Act 1989
- Children Act 2004
- Mental Capacity Act 2005
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Data Protection Act 2018
- UK GDPR
- Race Relations (Amendment Act) 2000
- Racial and Religious Hatred Act 2006
- Equality Act 2010
- Homelessness Reduction Act 2017
- Domestic Abuse Act 2021
- Neighbourhood and Community Standard 2024
- Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018
- Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005
- Statutory Code of Practice on Racial Equality in Housing
- Pre-Action Protocol for Possession Claims by Social Landlords

2.4 This policy and its delivery is also intended to be compatible with the following Council strategies, policies and procedures:

2.4.1 Community Safety Unit

- Community Safety Strategy
- ASB Case Review (Community Trigger) Procedure
- CCTV Code of Practice
- Dartford Vulnerability and Contextual Safeguarding Panel Terms of Reference

2.4.2 Environmental Enforcement Team

- Environmental Enforcement Policy

2.4.3 Housing Service

- Domestic Abuse Housing Strategy
- Demoted Tenant Policy
- Tenancy Policy
- Vulnerable Adults Housing Policy
- Housing Allocations Policy
- Housing Management Transfer Policy
- Neighbourhood Management Policy
- Sanctuary Scheme Procedure
- Concern Card Procedure

2.4.4 Environmental Health

- Environmental Health Enforcement Policy
- General Service Request Procedure
- Statutory Nuisance Investigation Procedure

2.4.5 Corporate

- Corporate Plan
- Safeguarding Policy
- Equality and Diversity Document Framework
- Health and Safety Policy
- Lone Working Policy

3 POLICY STATEMENT

3.1 The overall objective of this policy is to prevent and minimise instances of anti-social behaviour and to resolve them as early as possible through timely, appropriate and proportionate intervention.

3.2 To tackle the problems created by anti-social behaviour, the Council will work together with a range of departments and agencies to prevent anti-social behaviour and promote strong successful communities. It is the Council's aim to put victims at the heart of its response in tackling anti-social behaviour. In doing so, the Council will:

- Provide an accessible, effective service, which encourages residents to report incidents and communicate effectively with all parties;
- Develop community safety strategies to prevent anti-social behaviour and take firm action against perpetrators;
- Understand the risk and the impact of harm to victims, enabling the appropriate and necessary action to be taken;

- Protect and support victims and witnesses, complying with procedures on confidentiality at all times;
- Ensure support is available to vulnerable victims as well as to vulnerable perpetrators to tackle the root causes of the anti-social behaviour;
- Treat people fairly and equally, ensuring that any action taken is proportionate and reasonable in the circumstances;
- Tackle and report inequality and discrimination;
- Work in partnership with tenants, residents, Kent Police and other agencies to provide an effective response.

4 ROLES AND RESPONSIBILITIES

4.1 The roles and responsibilities of the four main Council departments that deal with anti-social behaviour are outlined, as follows:

4.2 Community Safety Unit

4.2.1 The Community Safety Unit helps to develop, coordinate and monitor the Council's work to reduce crime, disorder and anti-social behaviour in the borough. They will take the lead in investigating reports of anti-social behaviour within its remit. Depending on the nature of the anti-social behaviour, they may manage cases where, for example, both the person experiencing and the person perpetrating anti-social behaviour are owner-occupiers or reside in privately rented accommodation; or the anti-social behaviour is taking place in any public place or place to which the public have access.

4.3 Environmental Enforcement Team

4.3.1 The Environmental Enforcement Team plays a vital role in maintaining a clean and safe environment in the borough by providing information and advice to individuals regarding the law, regulations, duties and responsibilities. Appropriate enforcement action is taken to challenge anti-social behaviour and to ensure that those individuals and/or businesses that spoil the environment for others are accountable for their actions. They also take responsibility for dealing with environmental crime and the effects of this type of anti-social behaviour.

4.3.2 The Environmental Enforcement Team deal with all environmental offences for which delegated powers have been provided and at present their main scope of activity is directed toward offences that include, fly tipping, litter and littering from vehicles, waste duty of care, waste carriers and their licences/waste transfer notes. The team will deal predominantly with those higher level offences that may require a protracted investigation and that may result in a charge/summons, preparation of a detailed legislation compliant case file and placed before the Courts. They will also, if required, make provisions for the issue of a Criminal Behaviour Order.

4.3.3 Park Rangers have delegated powers to deal with environmental related offences and any breach of a Public Space Protection Order (PSPO) and are authorised to issue Fixed Penalty Notices (FPNs).

4.3.4 The Environmental Enforcement Team, supported by Park Rangers, deal with all unauthorised encampments (UEs) that may site themselves illegally on Council land and Kent County Council land within the borough. Park Rangers also deal with all reports of fly grazing of horses on Council land.

4.3.5 To supplement the Council's own environmental enforcement capability, the Council has contracted with Kingdom/LAS to provide environmental and anti-social behaviour patrols across the borough to support its local community. They are authorised under Council delegated powers to identify and take action (through the issue of FPNs), for environment related crimes that include, fly tipping (low level and residential), trade waste, dog fouling, litter, graffiti, and fly posting. In addition, they provide a Waste Watch Camera Service, at 5 x specific locations throughout the borough, for fly tipping, littering and nuisance vehicle prevention, reduction and enforcement. Officers also deal with any breach of the Town Centre PSPO and are delegated to issue FPNs for anti-social behaviour nuisance (includes vehicles), alcohol and drugs.

4.4 **Environmental Health Service**

4.4.1 The Environmental Health Service investigate complaints about noise and nuisance. They have a legal responsibility under the Environmental Protection Act 1990 to decide if such disturbances are causing a statutory nuisance, and are authorised to take legal action if necessary to resolve such matters. The types of complaint they investigate include accumulations of rubbish and waste, dogs barking, noise from amplified music and other sources, odours from unclean/unsightly properties/gardens and nuisance bonfires. If an issue is not deemed to be a statutory nuisance, consideration will be given as to whether an issue can be dealt with under anti-social behaviour legislation.

4.5 **Housing Service**

4.5.1 Where reports of anti-social behaviour concern general needs council tenants, leaseholders, their visitors or activity taking place in communal areas or on estates, the Tenancy Services Team will undertake initial and ongoing evidence gathering and investigations, managing the case until resolution.

4.5.2 Where reports of anti-social behaviour concern tenants in council housing schemes for older people, the Housing Scheme Team carries out the housing management functions, including dealing with the initial stages of the anti-social behaviour report. The Tenancy Services Team will take the lead in managing serious cases concerning housing scheme tenants that require further intervention and enforcement action.

4.5.3 Residents – The Council has expectations that residents will show respect and tolerance towards their neighbours and community. Council tenants and customers should be aware of the potential consequences of their behaviour if it is deemed anti-social.

- 4.5.4 Council 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.
- 4.5.5 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.
- 4.5.6 Licensees and others – the behaviour of residents who hold licences with the Council are bound by the conditions set out in the licence. Licensees in temporary accommodation provided by the Council have the conditions fully explained to them when they sign the license agreement for the occupation of the property.
- 4.5.7 Housing applicants – the Council operates a choice based lettings allocations scheme which includes a housing banding system (Bands A to D) to determine where applicants will be prioritised on the housing register. Applicants will not normally qualify to join the housing register if they are in serious breach of their tenancy agreement. This may include for reasons of serious and persistent anti-social behaviour.
- 4.5.8 Homeless applicants – a homeless applicant may be deemed as intentionally homeless if they deliberately did something that led to the loss of their accommodation. This may be for reasons of eviction due to anti-social behaviour. The decision will carefully take account of whether the applicant is capable of managing his/her affairs when determining whether an act was deliberate.

5 PARTNERSHIP WORKING

- 5.1 Wherever appropriate, the Council departments responsible for dealing with anti-social behaviour will work together on cases. Depending on the nature of the anti-social behaviour, it will be expected that one department or another relevant agency (such as the Police if it is a criminal matter) will take the lead on case management and action and support may be provided by the relevant council departments.
- 5.2 The Council works in partnership with partners and other groups to tackle anti-social behaviour, as follows:
- 5.3 The Council operates the **Dartford Community Safety Partnership**, which is made up of statutory agencies brought together under a shared responsibility placed upon them by the Crime and Disorder Act 1998. The partnerships' [Community Safety Strategy](#) contains priorities for addressing:

- Serious violent crime including violence against women and girls (VAWG) and domestic abuse
 - Persistent anti-social behaviour and environmental crime
 - Preventing offending and reducing re-offending
 - Protecting vulnerable people and strengthening communities.
- 5.4 The Council's Community Safety Unit, carries out the day-to-day co-ordination of Dartford Community Safety Partnership activity and looks strategically at medium and long-term projects connected with the priorities of the partnership. **Daily Briefings**, led by the Community Safety Unit, enables multi-agency partners, including the Police, Kent Fire and Rescue Service, Community Wardens and other Council departments, (including the Housing and Environmental Health Services) to raise issues of concern of anti-social behaviour on a daily case-by-case basis.
- 5.5 The Community Safety Unit facilitates the **Dartford Vulnerability and Contextual Safeguarding Panel**. This panel assists to address forms of anti-social behaviour, whilst supporting referring agencies by taking a multi-agency response to support those affected by anti-social behaviour who are vulnerable. In respect of contextual safeguarding, the panel provides a multi-agency response on the risks associated to adolescents in extra-familial settings.
- 5.6 The Community Safety Unit facilitates the **Dartford Town Against Crime Partnership (DTAC)**. This partnership assists member businesses to respond in an organised manner to retail crime that affects their businesses, profitability, staff, customers and the local economy.
- 5.7 The Tenancy Services team will refer complex cases to the **Complex Case Panel**. This is joint panel between the Tenancy Services and Housing Solutions Teams that meets monthly to work together to put in place plans for tenants where anti-social behaviour may be a factor in the case and there is a risk of homelessness due to possession proceedings. The panel may also include attendance from relevant external agencies where they are involved with the tenant, such as the Police.
- 5.8 The Council works with **Kent Police** to reduce occurrence or reoccurrences of anti-social behaviour.
- 5.9 The Council actively participates, where required, in **District Child Protection Panels, Adult Safeguarding Case Conferences, Multi-agency Risk Assessment Conferences, Multi-agency Public Protection Arrangement, Prevent** and **Serious Organised Crime Panel** meetings.

6 WHAT IS ANTI-SOCIAL BEHAVIOUR?

- 6.1 The Council uses the following definition 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.
- 6.2 There are three main categories of anti-social behaviour:
- **Personal** anti-social behaviour is when a person targets a specific individual or group
 - **Nuisance** anti-social behaviour is when a person causes trouble, annoyance or suffering to a community in general
 - **Environmental** anti-social behaviour is when a person's actions affect the wider environment, such as public spaces or buildings.
- 6.3 The term anti-social behaviour includes a wide variety of unacceptable behaviours that may include criminal activity. The type of conduct that may amount to anti-social behaviour includes (but are not limited to):
- Abandoned vehicles
 - Inappropriate use of or vehicle nuisance
 - Inconsiderate or rowdy behaviour
 - Rowdy or nuisance neighbours
 - Littering or drugs paraphernalia
 - Uncontrolled pets
 - Trespassing including unauthorised encampments
 - Nuisance calls
 - Street drinking
 - Prostitution-related activity
 - Noise nuisance
 - Begging
 - Misuse of fireworks
- 6.4 Further information on the different types of anti-social behaviour and who to report it to can be found on the [Kent Police website](#).
- 6.5 **Hate crimes and hate incidents**
- 6.5.1 Hate-motivated behaviour is a form of anti-social behaviour and all reports will be dealt with in line with this policy.

- 6.5.2 **Hate crime** is defined as any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.
- 6.5.3 Any criminal offence can be a hate crime if it was carried out because of hostility or prejudice based on disability, race, religion, transgender identity, or sexual orientation. Criminal offences can include, for example:
- physical assault
 - verbal abuse
 - criminal damage to property or possession
 - harassment
 - sexual assault
 - theft
 - fraud
 - burglary
 - hate mail
 - online abuse
 - displaying or circulating discriminatory literature or posters
 - graffiti
 - arson
- 6.5.4 An individual may identify with more than one protected characteristic; and may be victim of more than one hate crime. It is possible for a hate crime to have more than one motivating factor (for example, an offence may be motivated by hostility towards both the victim's race and religion).
- 6.5.5 A person does not have to be a member of the group at which the hostility is targeted.
- 6.5.6 A **hate incident** is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender. Not all hate incidents will amount to criminal offences, but it is equally important that they are reported as the Police and the Council can work with partners to try and prevent any escalation in seriousness.
- 6.5.7 With regard to the definition of a racist incident, the Council uses the Stephen Lawrence Inquiry Report definition of 'any incident which is perceived to be racist by the victim or by any other person'.
- 6.5.8 All reports of hate crime and hate incidents are categorised as serious and will be treated as high priority.

6.6 Domestic abuse

- 6.6.1 **Domestic abuse** is defined under the Domestic Abuse Act 2021 as behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if – (a) A and B are each aged 16 or over and are personally connected to each other, and (b) the behaviour is abusive.
- 6.6.2 Behaviour is “abusive” if it consists of any of the following:
- (a) physical or sexual abuse;
 - (b) violent or threatening behaviour;
 - (c) controlling or coercive behaviour;
 - (d) economic abuse;
 - (e) psychological, emotional or other abuse.
- 6.6.3 It does not matter whether the behaviour consists of a single incident or a course of conduct.
- 6.6.4 “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to – (a) acquire, use or maintain money or other property, or (b) obtain goods or services.
- 6.6.5 A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- 6.6.6 Two people are “personally connected” to each other if any of the following applies:
- (a) they are, or have been, married to each other;
 - (b) they are, or have been, civil partners of each other;
 - (c) they have agreed to marry one another (whether or not the agreement has been terminated);
 - (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - (e) they are, or have been, in an intimate personal relationship with each other;
 - (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (they are the parent or have parental responsibility for the child);
 - (g) they are relatives.
- 6.6.7 The Act also recognises that domestic abuse can impact on a child who sees or hears, or experiences the effects of the abuse and it treats such children as victims of domestic abuse in their own right where they are related to either the abuser or the abused.
- 6.6.8 The Council has developed a [Domestic Abuse Housing Strategy](#) which sets out a plan and policy statement for how the Housing Service will assist and support victims and survivors of domestic abuse.
- 6.6.9 All reports of domestic abuse are categorised as serious and will be treated as high priority.

7 WHAT IS NOT CONSIDERED ANTI-SOCIAL BEHAVIOUR?

7.1 Behaviour that would not generally be considered as unreasonable or is a result of lifestyle differences is not considered anti-social behaviour and will not be dealt with under this policy. This may include, but is not limited to, the following examples:

- Babies crying
- Cooking odours (although this may be considered an issue when odours come from mixed residential/business use properties)
- 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 (although this can depend on the noise volume)
- Clash of lifestyles
- Children's play
- Normal levels of noise transference from one property to another, such as noise from opening and closing doors
- Occasional dog barking
- Young people gathering socially unless they are being intimidating or causing a nuisance.

7.2 The Council will work to manage customers' expectations regarding behaviour that is not regarded as anti-social behaviour e.g. minor disputes or disturbances. The Council's involvement will be limited to providing guidance and advice to residents, encouraging residents to resolve such matters between themselves, and/or signposting to other agencies if appropriate, such as mediation services.

7.3 It is recognised there are some examples of behaviour not generally considered to be anti-social behaviour that if persistent and/or are having a reasonable negative impact, may require investigation. For example, babies crying for long periods may need further investigation to determine if there are safeguarding concerns that need to be addressed through the relevant authorities.

8 HOW TO REPORT ANTI-SOCIAL BEHAVIOUR

8.1 The Council is committed to making the reporting of anti-social behaviour as straightforward as possible using a range of reporting methods. Depending on the nature of the anti-social behaviour report, will depend on which Council department will be responsible for managing the report. All reports of anti-social behaviour will be recorded on the relevant database by the team that takes the lead on the issue. Outcomes will also be recorded including the actions taken and by which officer.

8.2 Anti-social behaviour can be reported to the Council, as follows:

8.3 **Community Safety Unit**

- 8.3.1 Where the anti-social behaviour falls within the remit of the Community Safety Unit or it is unclear who to direct the report to, this should be reported using the details below. The Community Safety Unit will pass on any reports that are not within their remit to the appropriate Council department or agency, such as the Police.

Online via the anti-social behaviour reporting form on the [Dartford Borough Council website](#)

Telephone on 01322 343434

Email to community.safety@dartford.gov.uk

8.4 **Environmental Enforcement Team**

- 8.4.1 Where reports of anti-social behaviour concerning environmental crime matters fall within the Environmental Enforcement Team remit, this should be reported using the details below.

Online via the relevant online reporting forms on the [Dartford Borough Council website](#)

Telephone on 01322 343434

Email to environmental.enforcement@dartford.gov.uk (Environmental Enforcement Team) and waste@dartford.gov.uk (Waste Services)

8.5 **Housing Service**

- 8.5.1 Where reports of anti-social behaviour concern Council tenants, leaseholders or their visitors, this can be reported directly to the Housing Service.

Telephone on 01322 343133

Email to asbhem@dartford.gov.uk

8.6 **Environmental Health**

- 8.6.1 Where noise and other nuisance complaints fall within the remit of Environmental Health, this can be reported directly to the Environmental Health Service.

Online via the relevant online reporting forms on the [Dartford Borough Council website](#)

Telephone on 01322 343434

Email to eh.admin@dartford.gov.uk

- 8.7 Alternatively, anti-social behaviour can be reported in person or in writing to the relevant department at Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR (see Section 4 for an explanation of the roles and responsibilities of the four main Council departments that deal with anti-social behaviour).
- 8.8 Anti-social behaviour may also be reported through the Council's Out of Hours Service on 0345 634 1212. This service receives calls outside office hours and ensures reports are passed to the appropriate department. They can also arrange emergency repairs and security measures for Council tenants. In addition, the Community Alarm Service provides a 24-hour response to Council tenants in housing schemes who are linked to the service, and makes referrals to other officers as appropriate.
- 8.9 **Reporting to the Police**
- 8.9.1 The Police are the principal reporting agency for incidents of anti-social behaviour that constitute a criminal offence and for reports of hate crime and domestic abuse.
- 8.9.2 In an emergency (when a crime is being committed or there is immediate danger), this should be reported to the Police on 999. This can include incidents such as serious threats of violence or abuse, drug dealing, criminal damage or other violent criminal activity. Situations or non-urgent issues of crime that do not require an immediate Police response should be reported to the Police on 101 or via the online reporting tool which can be accessed on the [Kent Police website](#). Alternatively, matters of crime and/or anti-social behaviour can be reported to the Police using the online chat function which can be found on the website (please see link above).
- 8.9.3 Reports of anti-social behaviour that constitute a criminal offence that include hate crime and domestic abuse relating to Council tenanted and leasehold properties, can be reported to the Housing Service in addition to the Police. This may be for example, where the incident concerns a Council tenant (victim or perpetrator) or an individual is in need of urgent rehousing due to serious threats of violence. The Housing Service can take housing enforcement action where a council tenant has committed a criminal offence. For example, mandatory possession proceedings can be instigated where a council tenant has been convicted of a serious offence.
- 8.10 **Reports to more than one agency**
- 8.10.1 If the same report made to the Council is also reported separately to another agency, the Council will liaise with the other agency to determine the lead agency for the investigation. If the responsibility lies with another agency, the Council may provide relevant support for that agency.

8.11 Tenants of other social landlords

- 8.11.1 When the person experiencing anti-social behaviour and the alleged perpetrator are tenants of another social landlord, such as a housing association, this can be reported directly to the relevant social landlord. If the Council receives a report regarding tenants of other social landlords, it will refer the report to the social landlord.

8.12 Third party reports

- 8.12.1 Reports of anti-social behaviour can be made by a third party, for example, by a Councillor, Member of Parliament, or Social Worker. If a report is made by a third party the Council will seek the victims consent for the Council to discuss the report with the third party.

8.13 Anonymous complaints

- 8.13.1 Although anonymous complaints might provide an early warning of unacceptable behaviour, anonymity makes it more difficult to properly investigate and understand a complaint, and to provide appropriate responses or redress, and it is preferable for complainants to avoid anonymity for these reasons. When accepting anonymous complaints, it will often be the case that this will limit full investigation of the complaint and where possible, the complainant will be advised of this limitation at the time the complaint is made (e.g., where the complaint is received over the telephone).
- 8.13.2 If a person wishes to report a crime anonymously they can contact [Crimestoppers](#) who will pass the information about the crime onto the Police.

9 CATEGORISING AND RESPONDING TO ANTI-SOCIAL BEHAVIOUR

9.1 Initial response times to the report of anti-social behaviour

- 9.1.1 All reports of anti-social behaviour are categorised according to their level of seriousness. The severity rating of an anti-social behaviour allegation is determined by an assessment to understand the impact on the victim taking account of:
- The type of anti-social behaviour and whether it is personal, nuisance or environmental
 - If the victim and/or the alleged perpetrator are vulnerable, if so, which support services are involved (or not involved) with the vulnerable person
 - The persistence and pattern of the anti-social behaviour
 - The harm or potential harm caused by the anti-social behaviour.
- 9.1.2 Serious cases include those involving violence and threats as below:
- Domestic abuse
 - Hate crime and hate incidents
 - Violence or threats of violence
 - Sexual assaults or harassment

- 9.1.3 If the victim is considered a vulnerable person or if the anti-social behaviour is serious, then this will be dealt with as high priority and contact will be made with the victim within 48 hours. For all other cases, contact will be made within 10 days.
- 9.1.4 The Council will request consent from victims of anti-social behaviour to co-operate with information gathering and the investigation. This is important as issues of anti-social behaviour are dealt with most successfully when victims are involved.
- 9.1.5 The Police will be notified of all cases involving violence and criminality and the Council will assist the Police where necessary.
- 9.2 **Investigating and gathering evidence**
- 9.2.1 The following actions may be undertaken when investigating and gathering evidence on an anti-social behaviour case:
- Interviewing alleged perpetrators
 - Issuing of diary sheets
 - Speaking to and obtaining reports from witnesses
 - Installing noise monitoring equipment
 - Use of [NoiseApp](#) recordings sent with a noise complaint to the Environmental Health Service¹
 - Use of information about incidents recorded by Council tenants and leaseholders on the ASB app
 - Use of CCTV
 - Use of SMART doorbell and CCTV (where consent is obtained)
 - Visits to a witness or perpetrator
 - Adopting a multi-agency approach through involving such organisations as the Police, Social Services, Local Authorities, Youth Offending Team, Victim Support, where appropriate.
- 9.2.2 Whilst undertaking investigations, personal safety is of paramount importance and officers are required to work in accordance with the Council's **Health and Safety Policy** and **Lone Working Policy**. For cases surrounding serious criminal violence, the Police may be requested to jointly attend visits.

¹ The NoiseApp is free to download from www.thenoiseapp.com or from the Google Play and Apple App Store. There is no cost to residents using the NoiseApp although mobile data charges may apply when not linked to a Wi-Fi network.

10 ACTIONS AND POWERS TO TACKLE ANTI-SOCIAL BEHAVIOUR

10.1 The Council's response to reports of anti-social behaviour will be based upon what is considered proportionate and appropriate in all the circumstances. Action taken by Officers will be specific to each situation based on the circumstances.

10.2 Prevention and early intervention

10.2.1 Whenever possible the Council will take action to prevent anti-social behaviour from happening in the first place. Examples of preventative approaches include, but are not limited to the following:

- **Patrols** – by Police, Kent County Council Community Wardens and Council staff including Town Centre Wardens, Park Rangers and Enforcement Team officers, provide a visible presence in the community and gain useful information on problems in the area
- **Pro-actively using overt CCTV** – in line with the current [CCTV Code of Practice](#).
- **ShopSafe StaySafe Scheme** – gives vulnerable people a temporary place to go if they are feeling confused, scared or upset or are facing an emergency when out and about in the town centre
- **Dartford Town Against Crime (DTAC)** – maintain positive relationships with businesses that are signed up to the scheme, enabling additional support to businesses who suffer from crime and anti-social behaviour. Utilising the DISC database to report incidents and identify perpetrators.
- **Designing out the potential for crime** – on new developments, redevelopments or existing developments.
- **Working in partnership** – with residents, businesses, the voluntary sector and other relevant groups, to build stronger, safer, socially inclusive communities
- **Actively engaging with young people at risk of anti-social behaviour** – through preventative measures including leisure, sport and recreational activities and targeted youth services in key locations
- **Sending assurance letters to properties in areas where anti-social behaviour has been reported** – encouraging informants or victims to come forward to make a report, and to reassure the community that the Council is working on tackling the issue(s)
- **Engagement with the public** – to address trends in anti-social behaviour

10.2.2 The Housing Service, uses the following preventative approaches in addition to the above approaches:

- **Sensitive lets** – may be considered, where appropriate, if a neighbourhood or community has been subject to serious and/or prolonged anti-social behaviour or hate-motivated behaviour
- **Completing pre-tenancy checks** – housing people appropriately and having a robust sign-up process with clear expectations of behaviour

- **Tenancy sign-ups** – ensures new tenants understand their rights and responsibilities and what will happen if they breach their tenancy conditions
- **Anti-social behaviour information sheets** – provided to new tenants at the tenancy sign-up appointment
- **Publicity and awareness raising** - by sending a clear message of the Council's strong approach to stopping anti-social and hate-motivated behaviour and to encourage reporting
- **Use of introductory tenancies** – an introductory tenancy runs for a period of 12 months known as the 'trial period'. Following successful completion of the trial period, a secure lifetime tenancy is then granted. The Council has the power to extend an introductory tenancy by six months in certain circumstances where it has concerns about the conduct of the tenancy.
- **Use of Good Neighbour Agreements** – that aim to promote positive behaviour, mutual consideration and respect for neighbours
- **Estate inspections** – that can identify issues on housing estates, such as vandalism, rubbish, fly tipping and graffiti. With regards to offensive or hate-motivated graffiti, the Waste, Public Realm and Enforcement Service aim to remove this within 24 hours. For more information on estate inspections, please see the [Neighbourhood Management Policy](#)
- **Concern Card Procedure** – outlines how the Council's repairs and maintenance contractors and the Council's Housing Maintenance Team can raise any concerns that they may have about the wellbeing of a tenant to the Tenancy Services Team
- **Capital improvement works to communal areas or environmental improvements** – that may reduce the likelihood of anti-social behaviour taking place
- **Resident involvement and engagement** – such as community events and neighbourhood improvements, to help develop cohesive neighbourhoods and communities and promote positive relations between different groups
- **Understanding diversity** – proactively working to improve the understanding of the diverse needs of residents

10.2.3 The Council's aim is to intervene early to stop and prevent cases of anti-social behaviour escalating. The informal interventions that may be considered are:

- **Mediation** – a process whereby an independent third party helps to find a solution to a problem or dispute. Residents will be encouraged to resolve their differences themselves, and if appropriate, mediation may be suggested in certain circumstances. Mediation is most appropriate for tackling low-level anti-social behaviour and/or where there is no clear fault on the part of one party or the other. It can for instance, be beneficial for resolving misunderstandings between parties before the situation escalates. For mediation to be effective, it is important that both parties are willing to engage in the process voluntarily. However, mediation would not be routinely recommended in all cases, particularly for anti-social behaviour that is serious, persistent, unreasonable or involves violence
- **Community Resolution** – a means of resolving less serious offences or instances of anti-social behaviour through informal agreement between the parties involved as opposed to progression through the criminal justice process

- **Restorative justice solution** – a way to acknowledge and repair harm following an incident of anti-social behaviour or crime
- **Warning letters** – that set out the details of the anti-social behaviour and why this behaviour is not acceptable with an explanation of the consequences of continuing to act in an anti-social manner
- **Warning interviews** – where an Officer, on the balance of probabilities, is satisfied that an anti-social behaviour incident has taken place and will therefore explain the consequences of continuing to act in an anti-social manner
- **Acceptable Behaviour Agreements** – an agreement between an individual and the agency or agencies acting locally to prevent that behaviour. The agreement sets out what the individual will or will not do in the future. This may also include any actions they may take i.e. referral to a support service. This type of agreement or contract will usually be used with a young person aged 10 – 17 years or a vulnerable adult. The Council will work in partnership with any other relevant agency, such as the Police, to agree the terms of the agreement
- **Parenting Contracts** – similar to an Acceptable Behaviour Agreement but is signed by the parent or guardian of children under 18. Parenting Contracts may be used where the behaviour of the parent or guardian is part of the issue or where the child in question is under 10 years old
- **Management transfers** – an urgent managed move may be arranged by the Housing Service on the basis that a Council tenant is not safe to remain in their current home due to reasons of domestic abuse, violence, harassment, intimidation, hate crime, or threats of violence likely to be carried out or other urgent management reason. For more information, please see the [Housing Management Transfer Policy](#)
- **Sanctuary Scheme** – provides additional security measures to make it possible for victims of domestic abuse and/or harassment, to remain in their own homes, where it is safe for them to do so, where it is their choice, and where the perpetrator does not live in the accommodation. For more information, please see the [Sanctuary Scheme Procedure](#)
- **Referrals to statutory and specialist support services** – such as, for example, Children's Social Work Services, Adult Social Services, Mental Health Services, Substance Misuse Services, Early Help Services, and the Homeless Prevention Hub. Please see Appendix 1 for a list of support organisations.

10.3 Enforcement

10.3.1 The Council may consider taking enforcement action when anti-social behaviour continues following an attempt to resolve the anti-social behaviour informally. In serious cases involving the use or threat of violence towards person or property and/or where there is significant risk of harm, the Council may not take any informal actions and instead take enforcement action in the first instance. Examples of enforcement actions that may be considered include:

- **Community Protection Warnings** – letters informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing could lead to the issuing of a Community Protection Notice

- **Community Protection Notices** – stops a person aged 16 or over, business or organisation committing anti-social behaviour, which spoils the community's quality of life. It can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again. Breach of a Community Protection Notice is a criminal offence
- **Civil Injunctions** – a civil order to stop or prevent individuals engaging in anti-social behaviour quickly and before they escalate. It can include prohibitions and can include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour. Injunctions regarding council tenants may be issued without notice and can lead to the tenant to being excluded from their home in the most serious cases
- **Criminal Behaviour Orders** – an order issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. It can include prohibitions to stop the anti-social behaviour but can also include positive requirements to get the offender to address the underlying causes of their behaviour
- **Closure Orders** – allows the Police or Council to close premises quickly, which are being used, or likely to be used, to commit nuisance or disorder. A Closure Notice is issued out of court in the first instance, which closes premises for up to 48 hours out of court but cannot stop the owner or those who habitually live there accessing the premises. Following from this, the Closure Order can be applied for through the courts, which can close premises for up to six months and can restrict all access
- **Public Space Protection Orders** – these are designed to stop individuals or groups committing anti-social behaviour in a public space. They include restrictions that can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. The order can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour
- **Statutory Nuisance Abatement Notices** – these require whoever is responsible for the statutory nuisance to stop the activity or limit it to certain times to avoid causing a nuisance and can include specific actions to reduce the problem
- **Works in Default** – following the issuing of a legal notice, some legislation allows the Council to undertake works to ensure compliance. For example, the removal of waste which is causing a pest problem or a statutory nuisance. The Council is entitled to reclaim any costs it incurs undertaking these works
- **Forfeiture Order** – upon conviction for breach of a Community Protection Notice, the Council can apply to the court for a Forfeiture Order to remove an item used in connection of the offence. For example, the Council may seek the forfeiture of an aggressive dog where it has been used to intimidate other parties/persistently strays or attacks other animals
- **Seizure of Noise Equipment** – if an Abatement Notice served in respect of noise is not being complied with, the Council may apply to the court for an order to seize noise-making equipment. The Council may then retain the seized equipment for a period of 28 days. Return of equipment will be subject to payment of the Council's reasonable costs

- **Fixed Penalty Notices** – these are fines issued for litter, fly-tipping and dog fouling, and can also be issued for a breach of a Community Protection Notice and a breach of a Public Space Protection Order
 - **Summons/charge** – and placing an alleged offender/offence before the Courts regarding environmental offences.
- 10.3.2 Although the following tools and powers are not available to the Council, they may be used by partner agencies:
- **Dispersal Powers** – applied for by Police Officers or Police Community Support Officers (if designated the power by their chief constable), this requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours
 - **Community Remedy** – applied for by Police Officers, an investigating officer (which can include Police Community Support Officers for certain offences, if designated the power by their chief constable), or a person authorised by a relevant prosecutor for conditional cautions or youth conditional cautions. This gives victims a say in the out-of-court punishment of perpetrators of less serious crime and anti-social behaviour.
- 10.4 **Housing Service enforcement powers**
- 10.4.1 The Housing Service can use the following enforcement powers as a social housing landlord:
- 10.4.2 **Demoted tenancies** – breaches of the secure lifetime tenancy agreement for reasons of anti-social behaviour may result in a Demotion Order being sought as detailed in the Council's [Demoted Tenancy Policy](#). Demotion Orders are considered appropriate for more low-level forms of anti-social behaviour where possession proceedings are not deemed appropriate and therefore serve as a last chance incentive for the perpetrator to improve their behaviour before possession proceedings are taken. Once a Demotion Order is granted, the tenancy will last for a period of 12 months (the demotion period) unless possession proceedings are started. If the behaviour of a demoted tenant has noticeably improved and is considered satisfactory after the demotion period, then the demoted tenancy ends and is replaced by a secure lifetime tenancy.
- 10.4.3 **Suspension of the Right to Buy and mutual exchange** – the Council can apply to the court for an order to suspend the Right to Buy for qualifying tenants for a specified period on the grounds of anti-social behaviour. In addition, the Council is not obliged to complete a Right to Buy sale if there is an application for a Demotion Order or Possession Order on Ground 2 (nuisance and annoyance or conviction for indictable offence in property or in locality) before the court.
- 10.4.4 The Council can refuse an application for mutual exchange if a relevant injunction or Possession Order, granted on the grounds of nuisance behaviour, is in force, or if court action to obtain such an order or a Demotion Order is pending.

- 10.4.5 **Possession proceedings** – eviction is the ultimate sanction against tenants who exhibit anti-social behaviour and will only be used as a last resort for serious and persistent cases where all other options for remedy have been exhausted. The Council recognises the impact of anti-social behaviour so in exceptional circumstances may go straight to possession with Director's approval.
- 10.4.6 Statutory notice – before possession proceedings are taken, the tenant will be contacted by letter to warn that a statutory notice will be served setting out the Council's intention to seek possession of the property.
- 10.4.7 Pre Action Protocol for Possession Claims for Social Landlords – when making a claim for possession to the court, the Council will include with the claim a notice confirming and setting out how it has complied with the Pre-Action Protocol for Possession Claims by Social Landlords.
- 10.4.8 Discretionary grounds for possession – there are three discretionary grounds for possession for reasons of anti-social behaviour for secure lifetime and existing flexible² tenancies:
- Ground 2 – nuisance and annoyance or conviction for indictable offence in property or in locality
 - Ground 2A – one member or a couple has left their tenancy because of threats of violence by their partner or to them or as a member of their family
 - Ground 22A – the tenant or an adult living in the property has been convicted of an indictable offence, which took place during, and at the scene of, a riot anywhere in the UK.
- 10.4.9 Further to the above grounds, Ground 1, regarding breach of tenancy, can be used where rent due from the secure tenant is unpaid or where an obligation to the tenancy has been broken or not performed. Ground 3, regarding damage to the tenanted property, may also be used where the tenant or anyone else living in the property, has caused deterioration in the condition of the property or common parts.
- 10.4.10 Under discretionary grounds, the courts will give particular consideration to the actual or likely effect which anti-social behaviour has had or could have on others when considering whether it is reasonable to grant a Possession Order against a secure lifetime or flexible tenant.
- 10.4.11 Absolute ground for possession – the absolute (or mandatory) ground for possession applies to Council tenants with a secure lifetime and flexible tenancy where anti-social behaviour or criminality has already been proven by another court and where a member of the tenant's household, or a person visiting the property has met one of the following conditions:
- convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985)
 - found by a court to have breached a civil injunction;
 - convicted for breaching a criminal behaviour order;
 - 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.

² The Council ended the granting of flexible tenancies in June 2021

- 10.4.12 If any of the above conditions are met, the court must grant a Possession Order (subject to any available human rights defence raised by the tenant, including proportionality) where the correct procedure has been followed.
- 10.4.13 Before issuing a possession claim under the absolute ground, the Council will follow the Pre Action Protocol for Possession Claims for Social Landlords. This will involve requiring the tenant to notify the Council in writing of any personal circumstances or other matters which they wish to have taken into account. Secure lifetime and flexible tenants have a statutory right to request a review of the Council's decision to seek possession. The Council will consider any representations received and decide whether to continue with possession proceedings, informing the tenant of the reasons for the decision.
- 10.4.14 Possession proceedings for introductory and demoted tenancies – should subsequent court action be required because of persistent anti-social behaviour, the Council does not have to prove reasonableness when applying for possession. The court has a duty to grant mandatory possession.
- 10.4.15 Proportionality test – before issuing possession proceedings, a proportionality test will be carried out to ensure that, in cases where human rights, public law or equality law matters are or may be raised, the necessary information is before the court at the first hearing so that issues of proportionality may be dealt with summarily, if appropriate, or that appropriate directions for trial may be given.
- 10.4.16 Homelessness advice and assistance – under the Homelessness Reduction Act 2017, the Tenancy Services Team will refer tenants (with their consent), to the Housing Solutions Team, if they are threatened with homelessness due to proceedings for possession of the tenants home that could lead to their eviction. The aim is to ensure that the tenant is receiving appropriate advice and assistance in the homelessness application process. Where there are children under the age of 18 in the household, or where there is a reason to believe that a member of the household is vulnerable, Social Services will be notified.

11 SUPPORT FOR VICTIMS AND WITNESSES

- 11.1 Victims and witnesses play a crucial role in helping to tackle anti-social behaviour as they assist the Council in gaining an understanding of the problems experienced, the risk of harm, as well as assisting in the gathering of evidence to build a robust case against perpetrators. Victims and witnesses need to feel confident and reassured that they are being taken seriously, that they are being supported at every step, and that they are safe.
- 11.2 The Council adopts a victim-orientated approach, and will be accessible and open to victims. All cases will be assigned to an Officer who will be responsible for investigating their report. The Officer will:
- carry out risk assessments to assess the vulnerability of the victim (see Section 13 for more information on how vulnerable adults are supported)
 - agree an action plan with the victim once there is sufficient information to determine the best course of action, including details of the actions and investigations that the officer will undertake. This is important to manage

expectations from the outset so that the victim has a clear understanding of the process and a realistic sense of the likely outcomes

- agree a timescale for further contact with the victim and maintain a level of regular contact to keep the victim informed throughout the case
- tailor support on an individual case-by-case basis

11.3 Ongoing information and advice will be provided to victims and witnesses. For example, the Housing Service will provide advice packs to tenants affected by anti-social behaviour. The packs contain a consent form, diary sheets, details of emergency out of hours contacts and other agencies that can provide support, as well as information on what tenants can expect from the Council as their landlord in managing the anti-social behaviour case. The Housing Service also encourages the use of an ASB app to record ongoing incidents.

11.4 If the Council is aware that any person has difficulty in reading or understanding information given regarding an anti-social behaviour case, the Council will take reasonable steps to ensure that they understand the information given. This may include carrying out additional home visits and signposting to appropriate advocacy and support services. The Council will also provide translation and interpreting services, and information in alternative formats in accordance with its [Equality and Diversity Document Framework](#).

11.5 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, 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.

11.6 Support may be provided through other measures, for example, obtaining an injunction, or in severe cases, arranging temporary or permanent rehousing. Management transfers are available where a council tenant needs to move due to reasons of domestic abuse, violence, harassment, intimidation, hate crime, or threats of violence likely to be carried out or other urgent management reason.

11.7 Assistance will also be offered to support witnesses through the court process, accompanying them and familiarising them with the court system. 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 CHILDREN AND YOUNG PEOPLE

12.1 Where the alleged perpetrators are children or young people the Council will involve parents and guardians to help resolve the problem, and may liaise with other agencies. This may include Children's Social Work Services (to ensure any necessary child in need assessments are undertaken in accordance with Council's [Safeguarding Policy](#)), Schools, Youth Offending Teams, Early Help Service and any other relevant agencies.

- 12.2 In Kent, the Government's **Supporting Families Programme** is fully integrated into Early Help and Preventative Services, and families receive intensive support through the work of the Early Help Units. Referrals will be made to this service where required.
- 12.3 Legal action against children and young people will only be taken after consultation with the Youth Offending Team, for example, before applying for an injunction.
- 12.4 Where it is believed that any child is at risk of significant harm due to anti-social behaviour, a child protection referral will be made to Children's Social Work Services to protect the child from harm in accordance with the Council's [Safeguarding Policy](#).

13 VULNERABLE ADULTS

- 13.1 The Council's [Vulnerable Adults Housing Policy](#) defines a vulnerable person as anyone over 18 years or aged 16/17 with a guarantor; who may be in need of community care services or an enhanced housing service. A person can be vulnerable for a number of reasons, which may include for example; substance misuse, mental health needs, learning difficulties or physical disabilities.
- 13.2 Vulnerable people can be disproportionately susceptible to the effects of anti-social behaviour and may need additional support during the course of the anti-social behaviour investigation and any subsequent action.
- 13.3 Upon the receipt of a report of anti-social behaviour, an assessment is carried out to categorise the severity of the report, including determining the victim's vulnerability and involvement with any support services (as outlined in Section 9.1). Support services may include for example, Adult Social Services, Mental Health Services or Substance Misuse Services. For Council tenants, a person's vulnerability is determined at the point of access to their tenancy, where a record is kept on their tenancy file including details of any involved support services.
- 13.4 As people's needs and the risk and impact of harm can change during the course of an anti-social behaviour case, there will be ongoing assessments carried out.
- 13.5 If the vulnerable person is engaged with a support service, the Council will discuss with them sharing relevant information with the support service so that their needs and support plans can be further assessed and adapted where necessary. If the vulnerable person is not engaged with any support services, the Council will discuss making appropriate referrals to the relevant support services. For vulnerable council tenants, additional home visits or contacts will be made to provide additional support and reassurance.

- 13.6 The Council will be sensitive to vulnerable groups most at risk of discrimination, violence or threats of violence, hate crime or harassment. Where it is believed a vulnerable adult has care and support needs and is experiencing or at risk of abuse due to anti-social behaviour or forms of violence or discrimination, a referral will be made to Adult Social Services for a safeguarding enquiry to protect the adult from harm in accordance with the Council's [Safeguarding Policy](#).
- 13.7 Perpetrators of anti-social behaviour can also be vulnerable and benefit from support. As with vulnerable victims of anti-social behaviour, the Council will liaise with the vulnerable perpetrators' support networks or connect them to support services if they are not already engaged.
- 13.8 It is recognised that following the usual procedure for vulnerable perpetrators of anti-social behaviour through enforcement measures is not always appropriate. The Council will have regard to the particular circumstances and the vulnerability of perpetrators when considering the most appropriate form of intervention and action. For example, complaints of rubbish accumulating inside or outside the property of a vulnerable person may be causing a nuisance and annoyance to neighbouring properties; however, this may be indicative of self-neglect or a hoarding disorder that could be best addressed through the relevant authorities as a care and support need. Therefore, before considering enforcement action, additional steps will be taken, where possible, to work with the vulnerable perpetrator to tackle the root causes of the behaviour. There are, however, circumstances where the Council may have an overriding duty to take action, for example, where a statutory nuisance has been caused.
- 13.9 The Council will be alert to circumstances where alleged vulnerable perpetrators of anti-social behaviour may be victims of exploitation and abuse themselves and need protecting from harm. For example, anti-social activity taking place from a vulnerable persons' property could be indicative that 'cuckooing' is taking place where gangs and organised criminal networks take over the property in order to use it as a base to facilitate criminal exploitation.
- 13.10 If a vulnerable perpetrator of anti-social behaviour refuses to or stops engaging with an appropriate support service without a reasonable explanation or if they accept support but the anti-social behaviour continues, the Council will carefully consider the appropriateness of taking enforcement action.
- 13.11 When seeking possession of a Council property, the Council must have regard to the Public Sector Equality Duty under the Equality Act 2010 and be able to show how, in deciding to evict a tenant, it has given 'due regard to the need to eliminate discrimination and advance equality' and what steps it has taken to take account of the tenant's disability, which may include a community care assessment (Care Act 2014).

14 EVALUATION AND CASE CLOSURE

- 14.1 The Council will keep accurate records of all cases of reported anti-social behaviour with details of all action taken.

- 14.2 Cases will be reviewed and closed in a timely manner so that cases are not open for longer than necessary. Cases will be closed where:
- There are not further reports of anti-social behaviour over a given time period
 - A report of anti-social behaviour has been investigated but cannot be proven or is found not to exist
 - The anti-social behaviour issue has been resolved and no further action is required
 - There is no further information provided to support the case over a given time period
- 14.3 The Council may not always be able to resolve all reported cases of anti-social behaviour and in very rare cases, the Council will provide further details and explain the reasons why the case cannot be resolved before it is closed.
- 14.4 Cases will be re-opened should any new instances of anti-social behaviour be reported or if new relevant evidence is provided.
- 14.5 On closing a case and where applicable, residents are informed of the right to request an ASB Case Review (the thresholds for an ASB Case Review are outlined in Section 15).
- 14.6 Cases that have been closed may be reviewed for audit and learning purposes. Cases may be monitored after closure to check problems have not re-occurred.

15 ASB CASE REVIEW (COMMUNITY TRIGGER)

- 15.1 The Anti-Social Behaviour, Crime and Policing Act 2014 includes a 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 right to request a review of their case. The Community Trigger can be used if; at least three incidents of anti-social behaviour have been reported to a relevant organisation, i.e. the Police, the Council or housing provider, within the previous six months and it is felt no effective action has been taken. These are incidents where the same behaviour, nuisance or problem has reoccurred and was reported within one month of it happening.
- 15.2 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 that have been reported if it is felt they were part of the anti-social behaviour. It may be that if an anti-social behaviour case is already ongoing that this investigation will continue and the Community Trigger would not therefore be appropriate at this time. The Community Trigger also does not replace the complaints process (as outlined in Section 16) if a resident is dissatisfied with the action taken as part of the anti-social behaviour case.

- 15.3 To use the Community Trigger, the Online Form can be completed on the [Dartford Borough Council website](#), or call 01322 343434, or email community.safety@dartford.gov.uk, or write to Community Trigger, Community Safety Unit, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR.
- 15.4 The Community Trigger can also be used by a person on behalf of a victim, for example, a family member, friend, carer, councillor, Member of Parliament or other professional person. However, the victims consent will be needed before a person can use the Community Trigger on their behalf.
- 15.5 If a victim of anti-social behaviour is not satisfied with the way their Community Trigger application has been handled or the response received from the review panel, then a request can be made for a secondary review to be carried out by an independent panel.

16 COMPLAINTS

- 16.1 If a resident is not satisfied with the service they have received regarding the management of an anti-social behaviour case and/or is not satisfied with the outcome of Community Trigger application and/or subsequent secondary review, the Council's [Corporate Complaints Procedure](#) can be followed. Complaints leaflets are also available from the Council offices.

17 TRAINING

- 17.1 Officers need to be confident and knowledgeable so they can identify and investigate anti-social behaviour and take appropriate action.
- 17.2 The Council provides training for Officers on a wide variety of community safety related subjects including enforcement, legislation, case management and specific types of threats, vulnerabilities and risk (e.g. domestic abuse). The Council also provides corporate training for Officers on subjects including equality and diversity, safeguarding, and health and safety.
- 17.3 Training needs will also consider to how to equip staff with the confidence and knowledge to work with vulnerable people with complex needs (e.g. people with mental health needs, people who misuse substances).

18 DATA PROTECTION AND CONFIDENTIALITY

- 18.1 The Data Protection Act 2018 and the UK GDPR regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.
- 18.2 The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.

18.3 The Council's:

- [Data Protection Policy](#) sets out how it will protect special category and criminal convictions personal data; and
- The [Community Safety including CCTV, Body Worn Cameras, Dash Cams and Environmental Crime](#); [Housing Service \(Landlord and Tenant\)](#) and [Environmental Health](#) Privacy Notices explains that the Council collects your personal information to administer these services.

18.4 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 Agreement 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 2018, UK GDPR, and the Human Rights Act 1998.

18.5 The Council will treat all information received with the strictest of confidence wherever possible. Information relating to complainants and perpetrators may however be shared with other agencies for lawful purposes such as the purpose of preventing anti-social behaviour, crime or if there is a serious safeguarding concern.

19 EQUALITY AND DIVERSITY

19.1 The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.

19.2 The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.

19.3 A [Customer Access Review](#) has been undertaken to assess the equality impact this policy will have on affected persons with protected characteristics. The review concluded that overall the policy is considered to have a positive equality impact as it provides a transparent, proportionate, fair and consistent approach to the approach to deterring and tackling anti-social behaviour that reflects the Council's commitment to equality of access for all residents and takes account of the needs of vulnerable people. The review made recommendations to strengthen the information within the policy regarding the approach taken towards hate crime and hate incidents and by referring to the Domestic Abuse Housing Strategy, which have been incorporated into the policy

20 MONITORING

- 20.1 The Council monitors the number of anti-social behaviour cases and actions taken to resolve anti-social behaviour.
- 20.2 The policy contributes to the following [Corporate Plan](#) performance indicators:
- Number of reported anti-social behaviour incidents in the Borough by the Police
 - Number of Community Protection Warnings issued
 - Number of Community Protection Notices issued
- 20.3 In addition, the policy contributes to the following Tenant Satisfaction Measures collected by the Housing Service:
- Satisfaction with the approach to handling anti-social behaviour
 - Number of anti-social behaviour cases opened per 1,000 homes
 - Number of anti-social behaviour that involve hate incidents opened per 1,000 homes
- 20.4 For anti-social behaviour cases managed by the Housing Service, tenants are asked to complete a customer satisfaction survey on case closure, which is an important way of monitoring the impact of the service provided. The Housing Service uses data to benchmark its performance to other social landlords through HouseMark returns.

21 REVIEW

- 21.1 This Policy will be reviewed every three years, or in the event of major legislative or operational changes, within this time.

APPENDIX 1 – SOURCES OF SUPPORT

[Victim Support](#)

A national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected.

[ASB Help](#)

A charity in England and Wales providing online advice and support to victims of anti-social behaviour.

[Supportline](#)

A confidential helpline offering emotional support to anyone on any issue, but particularly aimed at those who are socially isolated, vulnerable, at risk groups and victims of any form of abuse. Telephone 01708 765200

[True Vision](#)

A national scheme supported by all Police forces in England, Wales, and Northern Ireland providing information about what hate crime is and the ways you can report it. Hate crime can be reported through their website.

[Stop Hate UK](#)

A charity that provides independent and confidential support to people affected by Hate Crime. Please note their hate crime reporting service is not available in the Dartford Borough.

[Domestic Abuse One Stop Shop \(Dartford\)](#)

Open every Tuesday from 9.30am to 12pm at Dartford Borough Council Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR.

[Domestic Abuse Support in Kent and Medway](#)

The Kent and Medway Referral Pathway gives more information about domestic abuse, support services and tools to keep victims and survivors safer.

If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.



Tel: 01322 343434

Calls are welcome via Relay UK



ਪੰਜਾਬੀ	தமிழ்	Polski	česky	简体中文	Français
Punjabi	Tamil	Polish	Czech	Mandarin	French
01322 343610	01322 343611	01322 343612	01322 343613	01322 343614	01322 343615