

ANTI-SOCIAL BEHAVIOUR POLICY

August 2021

Three Rivers District Council Anti-Social Behaviour Policy

1. Purpose

Three Rivers District Council recognises that all forms of anti-social behaviour (ASB) can have destructive and negative consequences on peoples' lives and is a real concern of people in Three Rivers. The Council is committed to reducing and preventing ASB across the district. One of the Strategic Objectives of the Council is: "to work with partners to tackle crime and anti-social behaviour and secure investment in priority interventions."

This policy sets out:

- The Council's definition of ASB
- The Council's aims in responding to ASB
- The Council's values in relation to ASB
- Responsibilities within the Council for responding to ASB
- Who the policy applies to
- The Council's approach to responding to ASB
- How the Council will work in partnership to address ASB
- Role of Social Housing Providers
- Role of Hertfordshire Constabulary
- Role of Health and Social Care Services
- Customer engagement for ASB
- The Council's use of enforcement actions for ASB
- Performance indicators for ASB
- Data protection measures for ASB
- Training commitments for ASB

2. Definition

The Council's definition of anti-social behaviour is:

"Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person"

Ref Anti-social Behaviour, Crime and Policing Act 2014).

Some examples of this behaviour include (but are not limited to):

- Harassment or intimidation
- Verbal or written abuse
- Criminal damage and vandalism
- Neighbour nuisance
- Noise nuisance
- Graffiti
- Nuisance behaviour caused by drinking or substance misuse
- Nuisance from vehicles
- The repair of vehicles on the street for money
- Abandoned vehicles
- Fly tipping
- Hoarding
- Domestic Abuse
- Litter
- Uncontrolled animals
- Bonfires

- Hate behaviour targeted at individuals or groups on the grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation.

Anti-social behaviour (ASB) can be difficult to define and there are some types of issues that would not constitute ASB. For instance, some behaviours that individuals perceive as being 'anti-social' are unavoidable and consideration must be given to how to effectively deal with these types of issues to try to secure a positive outcome. The type of issues that would not constitute ASB include:

- Living or domestic noises e.g. a baby crying, ordinary conversation levels through walls, noise from children playing in a garden, everyday domestic activity such as vacuuming, toilets flushing, using a washing machine, door slamming (unless they are excessive or late at night)
- Social media posts or the use of CCTV
- Children playing in the street or communal area
- Young people gathering socially (unless they are being intimidating)
- Being unable to park your car outside the owners/tenants house
- DIY and car repairs unless they are taking place at unsociable hours
- Civil disputes between neighbours e.g. shared driveways.

The Council's officers must therefore consider what constitutes ASB on a case by case basis and determine the appropriate response.

3. The Council's values in relation to ASB

Three Rivers District Council believes that:

- Everyone has the right to enjoy a peaceful and secure environment in which to live, free from intimidation and ASB
- Everyone has the right to their own chosen lifestyle providing this does not impact adversely on the quality of life of others
- There must be tolerance and respect of difference including differences of ethnic origin, race, religion, gender, age, sexual orientation, gender reassignment, marital or civil partnership status, disability or maternity/pregnancy
- Customers are encouraged to report ASB via an electronic platform. There are a number of reporting methods via the Council's website and the Customer Service Centre.
- Acknowledgement of an ASB report will be made within 3 working days and a full response will be provided within 10 working days.
- Where an ASB report is deemed to be high risk, the Council will prioritise our response to those cases.

4. Who does this policy apply to?

People living, working, visiting or socialising within the Three Rivers District.

5. The Council's approach to responding to ASB

The Council's approach in dealing with ASB takes into account a number of aspects from prevention to rehabilitation. As each case of ASB is unique, so is the way in which we handle each complaint, and our actions will depend upon the nature, frequency and severity of each case.

Our approach is comprised of four key areas:

- Prevention
- Early intervention

- Support
- Enforcement

These themes apply across all anti-social behaviour. However, our approaches differ slightly for dealing with hotspots or high risk cases.

We will support victims and witnesses of ASB in a number of ways including:

- Taking all complaints of ASB seriously
- Keeping the victim at the forefront of our service
- Seeking to intervene early to prevent further ASB
- Taking enforcement action where necessary
- Offering support to complainants and witnesses of ASB
- Keeping complainants informed throughout the process
- Protecting confidentiality
- Referring to specialist support agencies
- Improving safety measures
- Using professional witnesses where necessary
- Using surveillance equipment where necessary

We will consider whether the alleged perpetrator's behaviour is a result of their health (including mental health) status or disability. We will offer support and rehabilitation to alleged perpetrators where we have identified a need for a referral to a relevant support agency.

The Council recognises the significant impact of domestic abuse on victims (including children). We will prioritise the referral of such cases to domestic abuse support services in order to safeguard victims. We will work with the Intensive Family First Support Team where children form part of an ASB concern.

The Council recognises the impact of hate crimes such as racial harassment, sexual, transphobic or homophobic harassment, religious or cultural harassment, or disability based harassment. We will prioritise our response to such cases. This will include the offer of referral to relevant support services.

6. The Council's aims and responsibilities in responding to Anti-Social Behaviour

In dealing with incidents of ASB, the Council will seek to:

- Stop the ASB
- Encourage residents to resolve their own differences in a reasonable manner
- Provide a framework or action plan for supporting both the complainant and perpetrator
- Work in partnership with other agencies to tackle ASB
- Target repeat victims by prioritising areas or individuals affected by repeated ASB
- Take early and effective action against perpetrators when they fail to engage with support
- Introduce preventative measures
- Monitor the effectiveness of action taken
- Escalate enforcement action if the ASB is not modified or ended, using a multi-agency approach in more complex cases
- Support witnesses through the lifetime of a complaint of ASB and beyond.

Customer Service Centre:

- To receive, report and direct to the relevant service department or other relevant agency.
- To maintain up to date information on who ASB is dealt with in the Council in order to direct enquiries appropriately.

Community Partnerships Unit:

- To oversee and review the Corporate ASB Policy

- To manage and support the Community Safety Partnership structures that deliver joint agency responses to ASB
- To manage and respond to individual cases not covered by police, housing providers, Environmental Health or Environmental Protection
- To refer cases to other agencies where appropriate
- To oversee the ASB Case Review (also known as the Community Trigger) – the process by which the public can ask Community Safety Partnership agencies to collectively review their responses to ASB complaints.
- To maintain procedures for its responsibilities.
- To monitor ASB cases that have been referred to other agencies and housing providers but remain an issue.
- To refer any cases at risk of homelessness or in need of housing advice to the Housing Options Team
- Manage the monthly ASBAG (Anti-Social Behaviour Action Group) meetings and outcomes

Housing Services/Residential Environmental Health

- To manage and respond to ASB cases involving: noise nuisance, bonfires, high hedges, nuisance caused by lighting, nuisance odours, houses in multiple occupation, hoarding and derelict properties
- To work in partnership with the Community Partnerships team regarding any ASB cases in council-owned temporary accommodation.
- To maintain procedures for its responsibilities.

Environmental Protection:

- To manage and respond to ASB cases on public, private or council land involving: litter (excluding private land), fly tipping, graffiti removal, abandoned vehicles, drug paraphernalia and vandalism in parks and open spaces
- To manage and respond to ASB cases involving uncontrolled animals.
- To maintain procedures for its responsibilities

Leisure Services

- To receive reports of ASB that occur in Council-owned parks and open spaces
- To work with the community partnerships team in combating the behaviours taking place in our parks and open spaces.

Licensing:

- To manage and respond to ASB cases for any licensed premises.
- To manage complaints of ASB towards licensed taxi / private hire drivers.

Legal

- To provide legal support, advice and guidance to Council Officers and, where appropriate, their partners within the Three Rivers Community Safety Partnership, with regard to the legal powers available to combat ASB.
- To represent the Council in respect of any applications or prosecutions brought under the Anti-social Behaviour, Crime and Policing Act 2014.
- To support the Council in responding to complaints relating to ASB that have been referred to the Council under the Corporate Complaints Procedure or Local Government Ombudsman.

7. How the Council will work in partnership to address ASB

The Council is the lead authority for Three Rivers Community Safety Partnership. Within this role:

- We will manage and support inter-agency ASB casework discussions to ensure joint action plans are agreed and monitored between relevant agencies including the Council, County Council, Health Services, The Police, the Fire Service and Housing Providers

- We will share data with other agencies within our agreed information sharing protocols and our responsibilities under the Data Protection Act, seeking consent to do so when required
- We will receive and manage requests for the ASB Case Review (also known as the Community Trigger) on behalf of the Community Safety Partnership.
- ASB can be an indicator of a more serious underlying issue such as cuckooing or modern slavery. Cuckooing is the term used when drug dealers take over the home of a vulnerable person in order to use it as a base for drug trafficking. The crime is named after the cuckoo's practice of taking over other birds' nests. Modern Slavery is a serious crime being committed across the **UK** in which victims are exploited for someone else's gain. It can take many forms including trafficking of people, forced labour and servitude.

8. ASB Case Review (Community Trigger)

We know that, where left unchecked, anti-social behaviour can have an overwhelming impact on its victims and, in some cases, on the wider community.

The Anti-social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that complaints of anti-social behaviour are dealt with. This includes the ASB case review, which gives victims of persistent anti-social behaviour reported to any of the main responsible agencies (such as the Council, police and social housing providers) the right to request a multi-agency case review of their case where a local threshold is met. Agencies, including local authorities, the police, local health teams and registered providers of social housing have a duty to undertake a case review when someone requests one and their case meets a locally defined threshold. Each area chooses a lead agency to manage the process, this is usually the council or police.

How it works

The mechanism for carrying out the case review is set locally.

Complaints may either come directly from the victims of anti-social behaviour or from a third party (with the victim's consent), such as a family member, friend or local elected representative (a councillor or MP).

The victim may be an individual, a business or a community group.

Each local area sets a threshold which must be met for the trigger to be used. The threshold must include:

- the frequency of complaints
- effectiveness of the response
- potential harm to the victim or victims making the complaint

The threshold is about the incidents reported, not whether the agency responded. The threshold should be no higher than 3 complaints, but agencies may choose to set a lower threshold. If the qualifying complaints are made, a case review must be held to then determine the adequacy of the agency responses.

The relevant bodies and responsible authorities who undertake the case review are:

- councils
- police
- Clinical Commissioning Groups in England and Local Health Boards in Wales
- registered providers of social housing who are co-opted into this group

The relevant bodies must publish the Community Trigger procedure to ensure that victims are aware that they can apply to activate the procedures in appropriate circumstances. The information should be provided on the websites of all the relevant bodies, signposting the public to the lead agency's website, a point of contact and the procedures for activating the process.

9. Role of social housing providers

The Council recognises that housing providers have powers to address ASB caused by tenants or leaseholders, their household members and their visitors, through tenancy and lease enforcement and ASB legislation. The Council will signpost all relevant cases to housing providers for a response. Where such cases have escalated the Council will ensure they are discussed by the Community Safety Partnership at the monthly ASBAG meeting where agreed joint action plans will be put in place.

10. Role of Hertfordshire Constabulary

The Council works closely with the Police to address crime and ASB in Three Rivers. Where individual ASB cases include acts of a criminal nature, the Council will signpost such cases to the Police, providing a joint response where appropriate, without jeopardising any criminal investigation. The Council will also work collaboratively with the Police to monitor and investigate ASB. Police Neighbourhood Teams, including Police Community Support Officers, provide people with reassurance, can patrol hotspot areas, and can support enforcement action taken to tackle ASB. The Police can also provide a response out of hours, including an emergency response where cases have escalated. They will not provide a response to noise nuisance. They will refer back to the Council or relevant landlord any ASB calls made to the Police where there is no criminal aspect.

11. Role of Health and Social Care Services

Statutory and voluntary health and social care services can provide support to both victims and perpetrators of ASB. This may be for reasons connected with mental health, drug and alcohol use, safeguarding of children or adults at risk of abuse, or providing early help to families in need, or adults with complex needs. The Council will work within established multi-agency guidance (including the Early Help Guidance, Children's Safeguarding Guidance, Adults Safeguarding Guidance, and the Mental Health Concordat) to ensure that relevant victims and perpetrators of ASB are offered access to appropriate health and social care services to address such needs. Where relevant these agencies will be involved in multi-agency casework management.

12. Customer engagement for ASB

Individual services that respond to ASB within the Council will:

- Undertake customer satisfaction surveys and case reviews to identify and implement improvements to our services
- Organise resident meetings when required to discuss ASB in hotspot areas either virtually or in person.
- Provide information on our website to help understand our services.

13. Performance indicators for ASB

The Council will set, monitor and report on performance in relation to ASB within individual services, at a local level, and within the Community Safety Partnership.

14. Data protection measures for ASB

To comply with its duties under the Data Protection Act 2018 the Council will:

- Keep all records of ASB cases in accordance with all applicable data protection and privacy legislation in force from time to time in the UK including the UK General Data Protection Regulation, the Data Protection Act 2018 and the Privacy and Electronic Communications Regulations 2003 and the guidance and codes of practice issued by the Information Commissioner's Office.
- Seek consent from a victim to share their information with relevant partner agencies, explaining the process.
- Share information with other relevant agencies such as the police, children's services, adults' services or mental health services without consent, in certain situations, when:
 - preventing and detecting unlawful acts, or
 - safeguarding children or individuals at risk, or
 - there are reasons of substantial public interest, or
 - undertaking a public duty.

This will be done within the relevant legislative framework and agreed local guidance.

ASB cases, where there has been an identified risk of medium to high will be logged via the secure ASB database Safetynet+. This is predominately a Police database whereby agencies are vetted and signed up to use with the emphasis on data sharing and managing cases by way of a partnership approach. Those low-medium ASB cases are kept and secured within the Council's IT systems.

15. Training commitments for ASB

The Council will provide staff in relevant departments with the appropriate training to deliver ASB services and will refresh this when required.

The Council will provide housing providers with the appropriate training to deliver ASB enforcement when delegated authority has been given by the council.

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