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DRAFT ANTI-SOCIAL BEHAVIOUR POLICY

1. Summary

- 1.1 Anti-social behaviour is conduct that has caused, or is likely to cause harassment, alarm or distress to any person.
- 1.2 The Council's Anti-Social Behaviour Policy 2015 sets out the overall approach the Council takes towards tackling anti-social behaviour, incorporating the roles of the three main service areas that deal with anti-social behaviour: the Community Safety Unit, the Housing Service, and the Environmental Health Service.
- 1.3 A review of the Anti-Social Behaviour Policy has been undertaken and this report presents a revised draft Policy (attached at Appendix A) to replace the previous version.

2. RECOMMENDATIONS

- 2.1 That the draft Anti-Social Behaviour Policy, attached at Appendix A to the report, be approved.
- 2.2 That the Strategic Director (External Services) be granted delegated authority to approve any in-year amendments to the Policy, as required.

3. Background and Discussion

- 3.1. The Anti-Social Behaviour Policy was last updated and approved by Cabinet on the 5 March 2015 (Min No. 116 refers). The Policy was updated to reflect the powers that were made available to local authorities to tackle anti-social behaviour introduced under the Anti-Social Behaviour, Crime and Policing Act 2014. In addition, the existing Statement of Housing Landlords Policy on anti-social behaviour was also incorporated in the Policy to ensure there is one overarching policy document on the Council's approach to anti-social behaviour.
- 3.2. A review has been undertaken on the Policy and this report presents the following proposed key updates to the Policy. The general layout of the Policy has also been revised to ensure ease of reading and transparency. This means that some sections have been moved or incorporated into other sections and obvious repetitions removed.
- 3.3. **Strategic Context** (section 2) – This new section summarises how the Policy and its delivery is intended to be compatible with the Council's obligations under relevant legislation, statutory guidance, protocols and the Council's own strategies, policies and procedures. The Policy contributes towards meeting one of the key targets of reducing anti-social behaviour as detailed in the Council's Community Safety Partnership Strategic Assessment.

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- 3.4. **Roles and Responsibilities** (section 4) – This section provides greater clarification on the roles and responsibilities of the various Council departments in dealing with anti-social behaviour in terms of the types of reports each department handles. With regards to the existing information on the expectations of residents, this section has been expanded to explain the implications on persons seeking housing assistance where they have been responsible for serious anti-social behaviour (e.g., they may not qualify to join the housing register and/or may be deemed as intentionally homeless).
- 3.5. **Partnership Working** (section 5) – This section updates information on how the Council works collaboratively to tackle anti-social behaviour. In particular, it explains the roles of the Community Safety Unit Daily Briefings; the Dartford Vulnerability and Contextual Safeguarding Panel; the Dartford Town Against Crime Partnership (DTAC); and, the Housing Service Complex Case Panel.
- 3.6. **What is Anti-Social Behaviour?** (section 6) – This section updates that, in addition to the definition of anti-social behaviour, the three main categories of anti-social behaviour are ‘nuisance’, ‘personal’ and ‘environmental’. Furthermore, as hate crime and domestic abuse have separate and individual definitions to anti-social behaviour, these definitions have been included.
- 3.7. **How to Report Anti-Social Behaviour** – (section 8) – As there are various Council departments and agencies (such as the Police and other social landlords) that deal with anti-social behaviour, it is not always clear who to report incidents to and who will take the lead responsibility for managing certain reports. This section has been updated to provide this clarification. The section also explains that reports of anti-social behaviour can be made by a third party; and, anonymous reports may on occasion be accepted but by choosing to make a report anonymously can limit the action the Council can take.
- 3.8. **Categorising and Responding to Anti-Social Behaviour** (section 9) – This section has been updated to set out the factors taken into account when assessing risk and vulnerability, recognising that what may be perceived as low-level anti-social behaviour to some people could be considered as serious to other people. This section also explains that the Council will request consent from victims of anti-social behaviour to co-operate with information gathering and the investigation; and, explains the actions that may be undertaken when investigating and gathering evidence on an anti-social behaviour case.
- 3.9. **Actions and Powers to Tackle Anti-Social Behaviour** (section 10) – This section has been updated to explain in more detail the preventative, early intervention and enforcement tools and powers available to tackle anti-social behaviour. There is additional information on the full range of enforcement powers available to the Housing Service as a social landlord, including the measures introduced by the Government during the coronavirus pandemic regarding possession proceedings.
- 3.10. **Support for Victims and Witnesses** (section 11) – This section has been updated to explain that anti-social behaviour reports will be assigned to an officer who will be responsible for liaising with the victim and the service the victim can expect from the officer. This section also explains that the Housing Service

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provides advice packs to tenants affected by anti-social behaviour. In addition, 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 any information given.

- 3.11. **Protecting and Supporting Vulnerable People** (section 13) – This section has been updated to explain that, as vulnerable 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. In addition, there is recognition that vulnerable perpetrators may be victims of exploitation and abuse themselves and may need protecting from harm. There will also be regard to the particular circumstances and vulnerability of perpetrators when considering the most appropriate form of intervention and support. 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. 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).
- 3.12. **Evaluation and Case Closure** (section 14) – This section has been updated to clarify the factors considered when deciding whether to close an anti-social behaviour case. It also explains that cases will be re-opened should any new instances of anti-social behaviour be reported or if new relevant evidence is provided. On closing cases, residents are informed of the right to request an ASB Case Review (also known as the Community Trigger). Cases that have been closed may be reviewed for audit and learning purposes; and, cases may be monitored after closure to check problems have not re-occurred.
- 3.13. **ASB Case Review (Community Trigger)** (section 15) – This section has been updated to explain how to request an ASB Case Review; that this process can be used by a person on behalf of a victim; and, a secondary review can be requested if the victim is not satisfied with the first review.
- 3.14. **Complaints** (section 16) – This new section explains the Council has a complaints process if a resident is not satisfied with the service they have received regarding the handling of an anti-social behaviour case.
- 3.15. **Training** (section 17) – This new section explains the training provided to Council officers to ensure they feel confident and knowledgeable in dealing with anti-social behaviour.
- 3.16. **Monitoring** (section 20) – This new section explains that the Council monitors the number of anti-social behaviour cases and actions taken to resolve anti-social behaviour, and the Housing Service uses customer satisfaction survey data to benchmark its performance to other social landlords.

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3.17. Review

The Policy will be initially reviewed after one year. This is in light of the changing circumstances surrounding possession procedures during the coronavirus pandemic and further changes anticipated to the obligations of social landlords through the Governments' Charter for Social Housing Residents where a set of performance measures regarding anti-social behaviour will be introduced. Subsequently, the Policy will be reviewed every three years, or in the event of major legislative changes, within this time.

3.18. Consultation on the draft Anti-Social Behaviour Policy

The Dartford Tenants' and Leaseholders Forum and the Tenancy Management sub-group of the Kent Housing Group were invited to comment on the draft Anti-Social Behaviour Policy. Of the two responses received, they commented that the Policy looks clear and straightforward, the Policy is comprehensive and they were impressed by the clearly defined roles of the different Council departments tackling anti-social behaviour. There were no comments that resulted in any changes to the draft Policy.

4. Relationship to the Corporate Plan

4.1. This report relates to the Safer Communities Corporate Plan strategic aim to 'create a safer borough in which to live, work and socialise' and the strategic objective to 'reduce anti-social behaviour'. The policy also contributes to the Housing and Stronger Communities strategic aims to 'facilitate quality, choice and diversity in the housing market, and deliver high quality services to service users'; and to 'create strong and self-reliant communities'.

5. Financial, legal, staffing and other implications and risk assessments

Financial Implications	None specifically
Legal Implications	<p>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.</p> <p>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.</p> <p>As a social landlord, the Council has a duty under the Housing Act 1996 (as amended), to publish an anti-social behaviour policy and procedures statement.</p> <p>The Council has a duty under the Environmental Protection Act 1990 to investigate complaints that could be a 'statutory nuisance' and to take action where it is satisfied that there is a statutory nuisance.</p>

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Public Sector Equality Duty	A Customer Access Review (Appendix B) has been carried out on the draft Anti-Social Behaviour Policy. Members are reminded to have due regard to the Public Sector Equality Duty and the attached Customer Access Review in reaching its decisions on the recommendations in this report.
Staffing Implications	None
Administrative Implications	None
Risk Assessment	No uncertainties and/or constraints
Crime and Disorder duty	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. This report presents the Council's policy to tackle anti-social behaviour.

6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – Draft Anti-Social Behaviour Policy
Appendix B – Customer Access Review

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Sarah Williamson (01322) 343470	Housing/ External Services	N/A