

Anti-Social Behaviour Policy

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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. This Anti-Social Behaviour Policy sets out the action Dartford Borough Council ('the Council') takes to tackle anti-social behaviour.
- 1.2. Anti-social behaviour can have a disruptive and damaging effect on individuals and communities. No one should have to experience anti-social behaviour. The Council aims to create a safe borough in which to live, work and socialise, and treats all incidents of anti-social behaviour seriously.
- 1.3. 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 three distinct service areas – the Community Safety Unit; the Housing Service; and, the Environmental Health Service. Whilst they are three 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. This Policy outlines the overall approach the Council takes towards tackling anti-social behaviour, incorporating the roles of all three 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 landlord, the Council has a duty under the Housing Act 1996 (as amended) to publish an anti-social behaviour policy and procedures statement. The aim of this is to inform tenants and members of the public about the measures that will be used by the Council as a landlord to address anti-social behaviour issues in relation to its stock. This Policy fulfils this legal requirement.
- 2.3. 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 the Council is satisfied there is a statutory nuisance.
- 2.4. This Policy and its delivery is intended to be compatible with the Council's obligations consequent to all relevant legislation, statutory guidance 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
 - Housing Act 1985

- Housing Act 1996
- Housing Act 2004
- Environmental Protection Act 1990
- Localism Act 2011
- Control of Pollution Act 1974
- Refuse Disposal (Amenity) Act 1978
- Criminal Procedure and Investigations Act 1996
- Town and Country Planning Act 1990
- Regulation of Investigatory Powers Act 2000
- Dangerous Dogs Act 1991
- Clean Neighbourhoods and Environment Act 2005
- 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
- Equality Act 2010
- Homelessness Reduction Act 2017
- Coronavirus Act 2020
- Statutory Code of Practice on Racial Equality in Housing
- Pre-Action Protocol for Possession Claims by Social Landlords

2.5. This Policy and its delivery is also intended to be compatible with the following Council strategies, policies and procedures:

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
- Environmental Enforcement Policy

Housing Services

- Demoted Tenant Policy
- Tenancy Policy
- Vulnerable Adults' Housing Policy
- Allocations Policy
- Management Transfer Procedure
- Sanctuary Scheme Procedure

Environmental Health

- Environmental Health Enforcement Policy
- General Service Request Procedure

- Statutory Nuisance Investigation Procedure
- The NoiseApp

Corporate

- Safeguarding Policy
- Equality and Diversity Document Framework
- Health and Safety 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 communicates 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 inequality and discrimination;
- Work in partnership with tenants, residents and others agencies to provide an effective response.

4. ROLES AND RESPONSIBILITIES

4.1. The roles and responsibilities of the three 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. This department also makes full use of powers under licensing legislation to ensure that licensed premises are well managed. The Community Safety Unit 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 Health Service**

4.3.1. The Environmental Health Service investigate complaints about noise and nuisance. They have a legal responsibility to decide if such disturbances are causing a statutory nuisance or fall within other legislation, 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.

4.4. **Housing Service**

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

4.4.2. 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 Housing Management Team will take the lead in managing serious cases concerning housing scheme tenants that require further intervention and enforcement action.

4.5. **Residents**

4.5.1. 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.

4.5.2. **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.

4.5.3. **Council leaseholders** – Council leaseholders are bound by the covenants and conditions specified in their lease. The wording and content of the conditions are very similar to those in the tenancy agreement, and similarly covers the leaseholder, their household members, pets and visitors.

4.5.4. **Licensees and others** – the behaviour of residents who hold licences with the Council are bound by the conditions set out in the licence. Licensees 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.

4.5.5. **Housing applicants** – the Council operates a housing banding system (Bands A to E) to determine where applicants will be prioritised on the housing register. Applicants will not normally qualify to join the housing register and will be

placed in Band E (general without priority – not eligible to bid for a property) if they are in serious breach of their tenancy agreement, as defined in the Council's [Tenancy Policy](#). This may include for reasons of serious and persistent anti-social behaviour.

- 4.5.6. **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:
- Violent crime including 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 Housing Management team will refer complex cases to the **Complex Case Panel**. This is joint panel between the Housing Management 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 nuisance, annoyance or annoyance 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):
- Using or threatening to use violence
 - Intimidation and harassment
 - Criminal activity including damage to property
 - Noisy and rowdy behaviour

- Writing threatening, abusive or insulting graffiti
 - Fly-tipping/rubbish dumping
 - Uncontrolled pets
 - Using and selling drugs
 - Nuisance from vehicles including parking and abandonment other conduct likely to cause harassment, alarm or distress
- 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 crime and domestic abuse**
- 6.5.1. Hate crime and domestic abuse have their own definitions (as outlined below). They are among the most serious of all forms of unacceptable behaviour and will always be treated seriously and categorised as high priority. Hate crime and domestic abuse are included within the remit of this Policy because the Policy provides an appropriate and consistent framework for the Council (as landlord) to deal with cases that come to its attention.
- 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. 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.
- 6.5.4. With regard to the definition of 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'.
- 6.5.5. **Domestic abuse** is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial or emotional abuse.
- 6.5.6. **Controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- 6.5.7. **Coercive behaviour** is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

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 including cultural differences
- Children's play
- Noise transference from one property to another

7.2. The Council's action regarding reports of minor disputes or disturbances that do not constitute anti-social behaviour will be limited to providing advice to residents, encouraging residents to resolve such matters between themselves, and/or signposting to other agencies if appropriate, such as mediation.

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.

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

8.3. **Community Safety Unit**

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 asb@dartford.gov.uk

8.4. **Housing Service**

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

Telephone on 01322 343133

Email to asbhem@dartford.gov.uk

8.5. **Environmental Health**

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.suport@dartford.gov.uk

8.6. Alternatively, anti-social behaviour can be reported in person or in writing to Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR.

8.7. 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.

8.8. **Reporting to the Police**

The Police are the principle reporting agency for incidents of anti-social behaviour that constitute a criminal offence and for reports of hate crime and domestic abuse.

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](#).

Reports of anti-social behaviour that constitute a criminal offence, including hate crime and domestic abuse, 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.

8.9. Reports to more than one agency

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.

8.10. Tenants of other social landlords

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.

8.11. Third party reports

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.

8.12. Anonymous reports

The Council may on occasion accept anonymous reports of anti-social behaviour, and may investigate/take action where possible. However, anonymous reports are difficult to substantiate and they can limit the action the Council can take. Such reports, if accepted, will not include the involvement of the reporting party in the gathering of further information for the investigation. Anonymous reports will also not receive any contact or feedback regarding the progress and outcome of the report.

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
 - 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 treated with 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. It is important to note that what may be perceived as low-level anti-social behaviour to some people could be considered as serious to other people. Even incidents that appear minor in isolation can have a devastating cumulative impact when it is part of a persistent pattern of behaviour targeted to the most vulnerable.
- 9.1.5. 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.
- 9.1.6. The Police will be notified of all cases involving violence and criminality.
- 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 Service
 - Use of CCTV
 - Use of RING doorbell 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**. For cases surrounding serious criminal violence, the Police may be requested to jointly attend visits.

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 Wardens and Council staff provide a visible presence in the community and gain useful information on problems in the area
- **Pro-actively using overt CCTV** – including the use of rapid deployment CCTV units, where appropriate and feasible, to assist with evidence gathering and to act as a deterrent in relation to anti-social behaviour incidents, 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
- **Designing out the potential for crime** – on new developments or redevelopments
- **Working in partnership** – with residents, business, 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 (for example, Summer Sizzlers) 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:

- **Completing pre-tenancy checks** – housing people appropriately and having a robust sign-up process with clear expectations of behaviour
- **Anti-social behaviour information sheets** – provided to new tenants at the tenancy sign-up appointment
- **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 flexible tenancy of 5 years is then granted (or any other long term tenancy currently in use by the Council). 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, graffiti, rubbish and fly tipping
- **Capital improvement works to communal areas or environmental improvements** – that may reduce the likelihood of anti-social behaviour taking place

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

- **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 and Preventative Services, and the Homeless Prevention Hub

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:

- **Issuing of Community Protection Warning** – 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

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, in addition, use the following enforcement powers as a social landlord:

10.4.2. **Demoted tenancies** – breaches of the secure 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 2 year flexible 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.

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.

- 10.4.4. **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.

Discretionary grounds for possession – there are three discretionary grounds for possession for reasons of anti-social behaviour for secure lifetime and flexible 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.

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.

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.

Absolute ground for possession – the absolute (or mandatory) ground for possession applies to Council tenants with a secure 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.

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.

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.

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.

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.

Possession proceedings during the coronavirus pandemic – 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. Due to the coronavirus pandemic, the notice periods have changed. Notices issued at any time on or after 29 August 2020, have a minimum notice period of 6 months unless one of the exceptions below apply:

- anti-social behaviour
- domestic abuse
- rent being in arrears by at least 6 months
- obtaining the tenancy by fraud (false statement)
- death of the tenant (housing association landlords only)
- no right to rent due to immigration status (housing association landlords only)

For cases relating to anti-social behaviour, the notice period is 4 weeks, apart from if Ground 2 is being used; proceedings may be commenced immediately after service of notice.

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. The Council will also include a notice setting out how the tenant and any dependants have been affected by the coronavirus pandemic. The tenant can choose to mark the claim as a COVID-19 case when completing their defence form. To do so, the tenant would need to provide brief details in the defence form explaining how the coronavirus pandemic has affected his/her personal circumstances and return this form to the court.

National or local lockdown restrictions may be introduced by the government. If a lockdown places restrictions on people entering premises, a bailiff may not be able to enter the property to carry out the eviction. The only exceptions to this are the most serious circumstances, which includes anti-social behaviour and domestic abuse. Landlords and tenants will be notified of any changes in the progression of the eviction by the court.

Homelessness advice and assistance – under the Homelessness Reduction Act 2017, the Housing Management 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:
 - 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.

- 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 violence, harassment, intimidation, or threats of violence likely to be carried out.
- 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 and Preventative Services and any other relevant agencies.
- 12.2. In Kent, the Government's **Troubled 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.
- 12.2. 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.

- 12.3. 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. PROTECTING AND SUPPORTING VULNERABLE PEOPLE

- 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 needs 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. These records will assist in providing data on the levels and types of anti-social behaviour.
- 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. Cases will be re-opened should any new instances of anti-social behaviour be reported or if new relevant evidence is provided.
- 14.4. On closing a case, residents are informed of the right to request an ASB Case Review (as outlined in Section 15) if they feel no action has been taken in response to the anti-social behaviour.
- 14.5. 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 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. The Community Trigger is also not intended to be used where an anti-social behaviour case is open and there is ongoing action regarding the case; and, it 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 Anti-social Behaviour Online Form can be used on the [Dartford Borough Council website](#), or by calling 01322 343000, by email to community.safety@dartford.gov.uk, or in writing 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.

The Council's:

- [Data Protection Policy](#) sets out how it will protect special category and criminal convictions personal data; and
 - [Community Safety](#), [Housing Services \(Landlord and Tenant\)](#) and [Environmental Health](#) Privacy Notices explains that the Council collects your personal information to administer these services.
- 18.3. 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.

- 18.4. 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.

20. MONITORING

- 20.1. The Council monitors the number of anti-social behaviour cases and actions taken to resolve anti-social behaviour.
- 20.2. 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 customer satisfaction data to benchmark its performance to other social landlords through HouseMark returns.
- 20.3. The Government's Charter for Social Housing Residents sets out the intention to introduce a set of standardised tenant satisfaction measures for all social landlords, which will include a measure on satisfaction with landlords' handling of anti-social behaviour. These tenant satisfaction measures will be easily accessible to tenants so they have the information they need on how their landlord is performing to enable greater transparency and accountability.

21. REVIEW

- 21.1. This Policy will be initially reviewed after one year. This is in light of the changing circumstances surrounding court procedures during the coronavirus pandemic and further changes anticipated to the obligations of social landlords through the Governments' Charter for Social Housing Residents. Following this, the Policy will be reviewed every three years, or in the event of major legislative or operational changes, within this time.