

Three Rivers District Council

Anti-Social Behaviour Policy

September 2024 - 2028

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1. Introduction

Three Rivers District Council recognises that Anti-social behaviour (ASB) can have a very disruptive effect on neighbourhoods and communities and does not just affect those who are directly involved in the situation. We take ASB seriously and aim to balance enforcement action and intervention with prevention. We adopt a supportive approach when dealing with victims, witnesses and alleged perpetrators and will be flexible in our approach to manage incidents, working in partnership with both internal and external partners to tackle the issues.

Three Rivers is committed to taking effective action and using the powers available to us, where we consider they can provide an effective remedy. We recognise that customers and other agencies share this responsibility, and it will not always be appropriate for Three Rivers to lead.

We recognise the detrimental effect that ASB can have on the lives of our customers and communities, but it is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can act, where we cannot or where primary responsibility and powers lie elsewhere.

We will encourage, support and enable our customers, to resolve ASB issues themselves in the first instance and give them the tools to do this. We will encourage tenants to work in partnership with their landlords.

We believe that everyone has the right to their chosen lifestyle providing this does not affect the quality of life of others. This necessitates a degree of tolerance and respect for the requirements and needs of other people, and we will promote this to customers when responding to their concerns.

2. Scope

This Policy applies to people living, working, visiting, or socialising within the Three Rivers District.

The aim of the policy is to set out how we will deal with anti-social behaviour (ASB), nuisance and Hate Crime, which is adversely impacting on people and the community.

The specific objective of the ASB Policy is to ensure we provide a consistent and proportionate response to all behaviour we define as being anti-social.

3. Key Principles

- Our priority is to provide a high quality and responsive service to tackle ASB and Hate Crime in our communities
- We will take a harm centred and victim first approach and consider the impact of ASB and not just the seriousness
- We will work in partnership to prevent ASB, manage cases and sustain thriving communities

4. What is ASB

‘Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household’.

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

5. Examples of ASB

Some examples of this behaviour include the following, but the list is not exhaustive.

- nuisance, noisy, rowdy or inconsiderate neighbours.
- verbal abuse, harassment, intimidation or threatening behaviour.
- hate related incidents.
- drug or substance misuse and dealing.
- alcohol related nuisance.
- vandalism and damage to property
- animal nuisance
- graffiti

ASB can be difficult to define, and some behaviour may cause a nuisance to the complainant but might not be ASB, as the behaviour is unavoidable. Reports due to different lifestyles or every-day living situations which are not intended to cause nuisance or annoyance are not considered as ASB. Some examples of issues that would not be ASB, are as follows.

- children playing and babies crying
- household noise due to every-day living (e.g. footfall and general movement around the property, proportionate TV, music, radio noise, noise from electrical items such as washing machines or vacuum cleaners and DIY during reasonable hours as defined by the council
- one-off parties, BBQs and celebrations
- cooking odours and reasonable household smells
- vaping and smoking cigarettes
- minor car maintenance, minor disputes between neighbours or personal differences
- parking disputes

The Council's officers must therefore consider what constitutes ASB on a case-by-case basis and determine the appropriate response. Officers from Environmental Health, Environmental Protection or the ASB Team may work in collaboration when managing ASB cases, as the behaviour can cross between the responsible teams.

6. The Council's values in relation to ASB

Three Rivers District Council believes that:

- Everyone has the right to a 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, maternity or pregnancy.

7. The Council's approach to responding to ASB

The council takes ASB seriously and aims to balance enforcement action and intervention with prevention. We adopt a supportive approach when dealing with victims, witnesses and alleged perpetrators and will be flexible in our approach to manage incidents, working in partnership with both internal and external partners to tackle the issues. Our approach is comprised of four key areas, Prevention, Early Intervention, Support and Enforcement. These themes apply across all anti-social behaviour. However, our approaches differ slightly for dealing with ASB hotspots or high-risk cases.

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

- Taking all complaints of ASB seriously
- Keeping the victim at the forefront of our service
- Taking early intervention 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, including victim support services
- Improving safety measures
- Using surveillance equipment where necessary
- Advertise and offer the ASB Case Review

We will consider whether the alleged perpetrator's behaviour or a member of their family's household is a result of their health, for example, mental health, Alzheimer's, Autism, ADHD status, or a disability. We will offer support 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 to safeguard victims. We will liaise with the council's Domestic Abuse Officer to assess, support and refer as necessary. We will work with the Intensive Family First Support Team where children form part of an ASB case or domestic abuse 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 specialist hate crime support services and the reporting to police.

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

Where behaviour is minor, we will encourage parties to find a resolution themselves as formal intervention by us can escalate issues and cause unnecessary tension between parties. We encourage people to talk informally or may suggest mediation. Where we do intervene, we have a number of options, including but not limited to.

- Verbal warning
- Meetings
- Mediation
- Support referrals
- Warning letters
- Community Protection Notice Warnings

Where we have cases of ASB that require legal action we will consider all options available to us and decide the most appropriate, including:

- Civil Injunctions including Youth Injunctions
- Criminal Behaviour Orders
- Community Protection Notices
- Fixed Penalty Notices
- Public Spaces Protection Orders
- Closure Orders

We will seek to.

- Stop the ASB
- Encourage residents to resolve their own differences in a reasonable manner and refer tenants to their landlords in the first instance
- Provide a framework or action plan for supporting both the complainant and perpetrator
- Work in partnership with other agencies to tackle ASB
- Target hot spot areas affected by repeated ASB
- Take 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

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 to direct enquiries appropriately.

Strategy and Partnerships

- To oversee and review the 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, Registered Providers (housing associations), Environmental Health or Environmental Protection
- To refer cases to other agencies where appropriate
- To oversee the ASB Case Review
- To monitor ASB cases that have been referred to other agencies but remain an issue.
- To refer any cases at risk of homelessness or in need of housing advice to the Housing Team
- Manage the monthly ASBAG (Anti-Social Behaviour Action Group)
- Manage in partnership, with the Environmental Health Team, Noise App Reports
- Manage ASB App Reports

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 with the Strategy and Partnerships team regarding any ASB cases in council -owned temporary accommodation or those properties being used to house housing applicants from other council s or care providers.

Environmental Protection:

- To manage and respond to ASB cases on public, private or council land involving: litter (excluding private land), fly tipping, graffiti removal on council property unless hate crime, abandoned vehicles, drug paraphernalia and vandalism in parks and open spaces
- To manage and respond to ASB cases involving animals.

Leisure Services

- To receive reports of ASB that occur in council, owned parks and open spaces
- To work with the Strategy and Partnerships team and partner agencies 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, about 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 Complaints Procedure or Local Government Ombudsman.

9. ASB Case Review

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 ASB case review, 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.

The ASB case review can be requested via local authorities, the police, local health teams and registered providers of social housing. All 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.

The threshold is about the incidents reported, not whether the agency responded. The threshold for Three Rivers is 3 complaints, but other 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:

- Council s
- 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 ASB Case Review procedure or contact to ensure that victims are aware that they can apply to activate the procedures in appropriate circumstances.

<https://www.threerivers.gov.uk/services/crime-and-safety/antisocial-behaviour#ASB%20Case%20Review>

10. Equality and Diversity

The council will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.

We will meet the requirements relating to equality and diversity laid down in the Equality Act 2010 by working to:

- Eliminate discrimination, harassment and victimisation.
- Advance equality of opportunity and
- Foster good relations between all our customers, residents, service users and staff.

The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination. We will not discriminate against staff, customers or others based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age (collectively referred to as protected characteristics in the Equality Act 2010).

The Council aims to provide all services that meet the diverse needs of customers. We believe that all customers should be able to access support with the same ease and that the quality of our service is the same high standard for all.

11. Working in Partnership

Partnership working is essential to successful resolution of ASB, and we will work with a variety of agencies including statutory, non-statutory and voluntary sector organisations.

Recognising that some ASB cannot be managed by one agency alone, we will attend regular partnership meetings to enable the exchange of information between key community partners.

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, Police, 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 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 to use it as a base for drug trafficking. 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, servitude, and exploitation.

12. Safeguarding

Three Rivers District Council is proactive in its approach to safeguarding and effectively works with all relevant statutory and voluntary agencies in an efficient manner to ensure the safety of all who need it. The Council's [Safeguarding Children and Adults at risk policy](#) clearly outlines the need for consent to refer to other agencies and holds its confidentiality and information sharing agreements in high esteem. Only in the instance of immediate risk of harm would the council refer to another agency without consent, from a person or parent, as required to do so by law.

13. Role of social housing providers

The Council recognises that housing providers have powers to address ASB caused by tenants, leaseholders, household members, and their visitors. This is managed through tenancy and lease enforcement and ASB legislation. The Council will signpost in the first instance all social housing ASB reports to their respective landlords for them to resolve the ASB. 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 and monitored.

14. 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. Neighbourhood Policing Teams, including Police Community Support Officers, provide people with reassurance, can patrol hotspot areas, and support enforcement action taken to tackle ASB. The Police can also provide an out of hours response, including an emergency response where cases have escalated. They will not provide a response to noise nuisance.

15. 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, dementia, 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.

16. 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 an ASB Toolkit on our website to help understand our services.

17. Performance indicators for ASB

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

18. 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.

19. Training commitments for ASB

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

The Council will arrange appropriate support training including that of external partner agencies to assist them in managing ASB.

