



# **Uttlesford District Council**

## **Anti-Social Behaviour Procedure**

October 2019

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## 1. Scope and purpose of this procedure document

This document is one of two that tells you about Uttlesford District Council's anti-social behaviour (ASB) responsibilities and what we do to tackle ASB.

This is the procedure document. It tells you how you can expect us to deal with your case should you report an ASB problem to the Council.

The ASB policy document tells you what we mean by 'anti-social behaviour' and sets out our responsibilities and objectives for the council's ASB services. It says what we want our services to achieve for people experiencing ASB, and details the kind of service level and quality we aim to provide. It also explains the broad approach we have agreed to adopt in order to support and advance these objectives.

As explained in the policy document, the council's responsibilities to tackle ASB arise from three distinct roles which are:

1. Our landlord role
2. Our role as a key member of the Uttlesford Community Safety Partnership
3. Our environmental protection role

While these are distinct roles, there are very strong links between all three and close working arrangements between the various departments that deliver the services.

However, the procedures described in this document mainly concern our landlord and Community Safety Partnership roles and so tend to say more about the work of the council's Housing Department and the council's Community Safety Team.

Environmental ASB is tackled by various departments within the council each of which works to its own set of policies and procedures.

We also have due regard to our equality duties as a public authority under the [Equality Act 2010](#).

## 2. How we categorise reports of ASB cases

All reports of anti-social behaviour made to the council are categorised according to their level of seriousness as explained in the following table. How a case is rated is an important judgement which may affect how quickly we deal with a case, although we will always keep an open mind and change the rating of a case if we feel it has become more or less serious.

## ASB categorisation table

Category	Definition	Response time
<b>High</b>	<ul style="list-style-type: none"> <li>• Reports where there is a serious risk to individuals or the neighbourhood, which may include a serious threat of violence or other criminal activity</li> <li>• Reports where individuals with care and support needs are involved. (As set out in the <a href="#">Care Act 2014</a>)</li> <li>• Reports originally classed as 'Medium' where it now appears to the case officer that, a more serious position has developed or may be developing.</li> </ul> <p>Please note that incidents such as serious threats of violence or abuse, assault, violent criminal activity, drug dealing or hate crime must be reported to the police by either phoning 101 (999 in an emergency) or <a href="#">reporting online</a>.</p>	1 working day
<b>Medium</b>	<p>Reports of behaviour that is persistent or unreasonable and cannot be addressed by:</p> <ul style="list-style-type: none"> <li>• <a href="#">mediation</a></li> <li>• phone (where a Council tenant is involved)</li> <li>• <a href="#">Citizens' Advice Bureau</a></li> <li>• <a href="#">Gov.UK advice on neighbour disputes</a></li> </ul>	2 – 7 working days
<b>Low</b>	<p>Initial disputes between neighbours or other neighbour nuisance.</p> <p>We will not get involved with incidents such as:</p> <ul style="list-style-type: none"> <li>• parking issues outside your home</li> <li>• civil disputes between neighbours, for example over boundaries or shared driveways</li> <li>• day-to-day noise, for example from washing machines, toilets flushing, vacuum cleaners, footsteps on floors</li> <li>• neighbours' gardening or lawn-mowing</li> <li>• DIY or car repairs (unless they are being carried out late at night or as part of an illegitimate business)</li> <li>• ball games, children playing in public or communal areas, or youths gathering socially (unless they are causing a nuisance)</li> <li>• barbecues, cooking smells, babies crying, the hours people keep or other lifestyle differences.</li> </ul>	No more than 7 working days

## How we share information

Uttlesford District Council, along with agencies, such as the police, fire and rescue service, and registered social landlords, use a secure system to manage casework and share information.

## ASB in the wider community

The Council's duty to help deal with anti-social behaviour (ASB) in the wider community arises from each of its three roles (i.e. that of landlord, environmental protection agency and under its statutory obligation arising from the Crime and Disorder Act 1998) as explained in the ASB Policy document. Officers from all three areas of responsibility will frequently work together both on agreed projects and on specific reports as these arise, although the lead agency for coordinating all community-wide activities is the Uttlesford Community Safety Team. ASB in the wider community will either have a housing-related element or be linked to a public space.

## Dealing with children, young people and individuals with care and support needs

In the course of an investigation, an officer may come across a person whose welfare may raise concerns. Such people may have no direct connection to the matter under investigation, but it remains a duty for officers to ensure that these concerns are properly logged and passed to social services. For these purposes, an adult is classed as someone aged 18 years and over.

### Initial action

- The officer will discuss their concerns with the Safeguarding officer and complete either an adult safeguarding referral form or child safeguarding referral form, as appropriate
- The officer will copy the referral to the Safeguarding Officer within the Council
- The officer will update the system where appropriate

## Assessing reports of ASB (Safer Communities)

### Initial action

- Report of anti-social behaviour (ASB) received by Community Safety Team (via phone, email or online report)
- Officer takes full details, obtains and records consent to record and share data, and checks the system
- If a report has already been opened on the system, the officer records the incident as an additional report; otherwise a new report is opened

## **Additional information**

If ASB involves criminality or hate crime, environmental issues or racial harassment; the appropriate departments and agencies are notified and further access to the report is given as deemed appropriate.

## **Risk assessment**

- Officer carries out a risk assessment, based upon the details provided, and notifies the Communities Manager
- If a risk assessment has already been carried out, the officer is to check whether the new information changes the category and notify the senior officer

## **Allocating a lead officer**

### **Categorisation**

Senior officer checks details of report on the system and the risk assessment, where appropriate.

If the category is “Low” and relates to a dispute involving a council tenant, the appropriate Housing Officer will lead.

If the category is “Medium” or “High”, it will be referred immediately to the Community Safety Team who will identify the appropriate officer.

### **Non-council tenants**

Where the anti-social behaviour (ASB) relates to a dispute involving a Registered Social Landlord tenant, a leaseholder, an owner-occupier, a private tenant or a landlord, the senior officer is to allocate the most appropriate lead officer, taking into account the categorisation and involvement of landlords and other agencies.

### **Temporary accommodation**

Where the ASB involves individuals in temporary accommodation, the Communities Manager will notify the Homeless Options Team taking into account the categorisation and involvement of other agencies.

### **Role of the lead officer**

The lead officer will take responsibility for:

- Contacting and regularly updating the victim and any witnesses
- Contacting and agreeing outcomes with the alleged perpetrator

- Contacting and working with other agencies, in particular monthly Hub Meetings, to achieve a solution
- Updating all systems
- Finalising the case, once all solution avenues have been explored

### Progressing a case and gathering evidence

If there is a likelihood that a case may go to court, the lead officer will need to gather good quality evidence. Lead officers may gather evidence by using one or more of the following:

- Incident report diaries
- Letter drops to the neighbouring area where anti-social behaviour (ASB) has been reported, asking non-leading questions
- Contact with other appropriate agencies, such as the police and Environmental Health service
- Photographs of the consequence of the ASB, such as broken property, fly-tipping, etc.
- Closed-circuit television (CCTV) systems, or
- Formal witness statements, especially in situations of harassment, threat or intimidation

To tackle ASB effectively, victims and any witnesses must feel able to provide evidence in confidence and without fear. In serious cases, especially those which may end up in court, the lead officer will always consider compiling a witness impact statement detailing the effects of the alleged perpetrator's behaviour on the victim's life. This should be written to a standard that will allow it to be used as evidence in court.

### Initial checks

- Lead officer will contact the victim to establish basic facts of the complaint and explain the investigation procedure
- Lead officer will check with other appropriate agencies and databases to establish whether any party involved may pose a risk to staff or others
- Lead officer updates systems

### Incident reporting

- Lead officer will make incident report diaries forms available (either on-line or hard copy) to the victim and any witnesses in order to keep an accurate diary of incidents
- Lead officer will agree with the victim and any witnesses the period over which the diary of incidents should be kept
- Lead officer may decide to refer the case to the Hub Meeting
- Lead officer updates systems

### Contacting the alleged perpetrator

- Where the identity and contact details of the alleged perpetrator are known, the lead officer will make a decision as to whether to make contact with them early in the case or wait until the evidence-gathering period has concluded
- Lead officer updates systems

### Contacting the victim and any witnesses

- Lead officer will maintain contact with the victim and any witnesses in all cases with developments that may occur and update Communities Manager

### Dealing with alleged perpetrators

The lead officer must consider, in dealings with the alleged perpetrator, that they may require support themselves and that the anti-social behaviour (ASB) exhibited may be a consequence of underlying issues.

We also have due regard to our duty towards Uttlesford District Council tenants who are at risk of homelessness under the [Homeless Prevention Duty](#)

### Interview

- Lead officer will arrange to interview the alleged perpetrator, ideally in a Council office with a second person present (another council officer, police officer or specialist professional). If the interview is to be conducted at the perpetrator's home, all necessary risk assessment checks are to be carried out before visiting with a second person
- Lead officer will provide the alleged perpetrator an opportunity to explain their version of events and account for the alleged ASB
- Lead officer will record full notes of the interview and update the system

### Further action

- Lead officer will consider all the facts and evidence from the alleged perpetrator and, balancing against the facts and evidence from the victim and any witnesses agree the best course of action to remedy the anti-social behaviour (ASB)
- If there is no case to answer, both the alleged perpetrator and victim will be contacted and advised of this and a resolution by other means sought (such as, mediation)
- Lead officer updates the system

## Closing cases

- Lead officer, where appropriate, will, in discussion with the Communities Manager, advise any witnesses that the case will be closed to the Communities team. This is ordinarily because the case has been resolved by the action that has been taken. In some cases it will not be appropriate to advise any witnesses of this. A decision will be made by the lead officer and reasons for the decision noted on the system.

## Remedies

Our policy commits us to trying to reach a fair and lasting solution to ASB problems as quickly as possible. In most non-serious cases we will start with low-level action and then, if this does not stop the problem or reduce it to a reasonable level, start to take increasingly stronger measures.

The Council (on its own or in partnership with other agencies) can deal with ASB problems in a variety of ways. The approach we will take in any individual case will depend on a large number of factors, in particular whether the problem is housing-related, environmental or involves ASB in the wider community.

We are committed to using the tools and powers available to us under the law, according to our best professional judgement. However, legal remedies will usually take time, will be expensive and the solution may be beyond our control. Lead officers will explain to victims of ASB that if a case goes to court it will be the Court and not the Council that will decide whether an action like an injunction or eviction, is justified.

What follows is an example of *some* of the remedies available to the Council. For a full list of remedies please see Appendix 1.

### Remedies

- **Written warnings**
- **Acceptable Behaviour Contract (ABC)**
- **Notice of Seeking Possession (NOSP)**
- **Demotion Order**

## Community trigger

The [community trigger](#) (formally called an ASB case review in the [Anti-social Behaviour, Crime and Policing Act 2014](#)) can be used where a victim has reported incidents of anti-social behaviour (ASB) repeatedly to agencies and yet the problem persists. The victim feels that either no action or inadequate action has been taken to address the problem and so requests a review of their case. The purpose of the community trigger is to give victims and

communities the right to request a review of their case and bring agencies together to take a joined-up, problem-solving approach to find a solution: it is not a complaints procedure.

The community trigger can be used by the victim of ASB or any person acting on their behalf, such as a family member, friend, carer, councillor, MP or other professional person, as long as they have the victim's consent. The victim can be an individual, a business or a community group and there is no age limit.

### 3. What we can do to deal with ASB

Our ASB policy commits us to trying to reach a fair and lasting solution to ASB problems as quickly as possible. In most non-serious cases we will start with low-level action and then, if this does not stop the problem or reduce it to a reasonable level, start to take increasingly stronger measures which may include a referral to mediation.

The council (on its own or in partnership with other agencies like the police) can deal with anti-social behaviour problems in a variety of ways. The approach we will take in any individual case will depend on a large number of things, in particular whether the problem is housing-related, whether it is ASB in the wider community (which may require a "strategic" or project-based approach) or whether it is environmental ASB.

Council policy commits us to using any of the tools and powers available to us under the law and council policy, according to our best professional judgement. However, legal remedies will usually take time. Officers will explain this to victims of ASB and also explain that if a case goes to court **it will be the Court and not the Council** who will decide whether an action like an injunction or eviction, is justified.

Following changes to the [Anti-Social Behaviour Crime and Policing Act 2014](#), a further range of powers are available for authorities to use to tackle ASB.

### 4. Evidence

If there is a likelihood that a case may go to court the lead officer will need to gather good-quality evidence. Officers will record the time, the date, and the place and from whom the evidence was collected. This information will need to be recorded on the ASB database and the ASB incident diary.

Witness Statements can be taken from any person over the age of 10 years, but for anyone under 19 or with a mental or physical impairment an appropriate representative must be present.

## Ways of getting evidence

Council officers may also gather evidence using:

- Incident diary forms
- Letter drops to neighbours asking non-leading questions
- Photographs (of fouling; fly-tipping; illegal parking and so on)
- Professional witnesses (in situations of harassment, threat or intimidation)

## 5. ASB in the wider community

The Council's duty to help deal with ASB in the wider community arises from each of its three roles (i.e. that of landlord, environmental protection agency and under its statutory obligation arising from the Crime and Disorder Act 1998). Officers from all three areas of responsibility will frequently work together both on agreed projects and on specific cases as these arise.

ASB in the wider community will often have a housing-related element (perhaps involving the relevant registered social landlord (RSL), privately-rented or owner-occupied housing), but it may also involve non-housing issues. Good examples of these are public space issues like illegal and anti-social parking, street drinking, and public rowdiness.

With regard to our ASB procedures, it is important for officers to be aware that the council does have this wider duty to deal with ASB in the community (on its own or in partnership with other agencies as a member of the Uttlesford Community Safety Partnership). This duty derives mainly from the Crime and Disorder Act 1998.

## 6. Victims, witnesses and others

To tackle ASB effectively, victims and witnesses must feel able to provide evidence in confidence and without fear. Information will be treated in confidence and will be used to provide a coordinated response to ASB crimes within the district.

### Impact on witnesses

In serious cases, especially those which may end up in court, the lead officer will always consider compiling a "witness impact statement" detailing the effects of the perpetrator's behaviour on the witness's life. This should be written to a standard that will allow it to be used as evidence in court.

Officers will always advise complainants of the final outcome of cases and of any measures aimed at preventing problems from recurring.

## 7. Logging concerns for children, young people or vulnerable adults

In the course of an investigation an officer may come across a person whose welfare may raise concerns. Such people may have no direct connection to the case under investigation, but it remains a duty for officers to ensure that these concerns are properly logged and passed to social services.

### Monitoring the service

Uttlesford District Council is committed to delivering a good quality anti-social behaviour service. Our aim is to continually improve the way we work and to learn from the occasions when the service fails to meet expectations.

One way in which we monitor the quality of the service is to ask people who have used it to tell us about their experience. We monitor each returned satisfaction survey form for what it can tell about how the individual case was dealt with, and we monitor forms collectively for trends in the provision of the service.

## 8. Complaints about the service

We aim to provide a good quality service and so we always want to know when we have fallen short of the standards you have a right to expect from us. Responding to reasonable complaints is an important and welcome part of our service improvement process.

We will try to resolve any complaint about the Communities team as quickly as possible at an appropriately high level. If this is not possible, or if the complaint is very serious, it will be investigated at senior management level and then by an independent investigator.

If the complaint still remains unresolved it can then be taken to the [Local Government Ombudsman](#).

Details about the Council's [Complaints procedure](#) can be found on our website.

## 9. Information sharing

Where appropriate, Uttlesford District Council will share information with the Police and other key agencies under joint information exchange protocols so that all agencies can carry out their functions and duties in accordance with the [Crime and Disorder Act 1998](#). The District Council will also work to ensure that residents of the District are encouraged and are able to report incidents confident in the knowledge that they will be recorded and investigated where appropriate.

The Council will work within the [Data Protection Act](#) which provides a background for the sharing of information and the need for confidentiality and privacy.

## 10. Discretion

This procedure commits us to dealing with ASB in Uttlesford in a way that will always be fair and, in all important respects, consistent across cases of a similar kind. However, our services are constantly evolving and each ASB case we deal with is likely to be unique in some or other aspect. This means that we may occasionally use our discretion to vary our approach from that described in this document. We may do this in any individual case, following appropriate consultation, or we may make any change of approach apply in all subsequent cases, in which case we will formally amend our policy and procedure.

**This document is owned by and will be reviewed by:**

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## Appendix 1

### Remedies

These are *some* of the remedies available to the Council.

#### **Written warnings**

The Council will usually give a written warning rather than a verbal warning as there is a formal record, which may be used as evidence should further enforcement action be taken.

Written warnings will set out the details of the ASB and why this behaviour is not acceptable, including the impact on any victims or local community.

- Lead officer will, following investigation, decide to issue a written warning and write to the alleged perpetrator, detailing the nature of the antisocial behaviour (ASB) and what must be done to stop it. If the alleged perpetrator is a council tenant, the letter may detail any relevant breach of tenancy and the consequence of that breach
- Lead officer will ask for the letter to be acknowledged and will set a time frame for resolution of the ASB
- Lead officer updates the system

#### **Acceptable Behaviour Contract (ABC)**

An ABC is a formal written agreement in which the perpetrator acknowledges their behaviour and its effect on others, agreeing not to act antisocially in the future.

ABCs can be an effective way of dealing with antisocial individuals, especially where there are a number of problem behaviours. They can be very effective at tackling problem behaviours before they escalate.

The lead officer will, if possible, discuss the terms of the ABC with the perpetrator before they are drafted and signed, as this encourages compliance.

Although there are no formal sanctions linked to the refusal to sign an ABC, refusal may persuade a court that only a civil injunction or a criminal behaviour order will prevent the ASB.

The consequences of failure to comply with the ABC will be made clear in the contract:

- Lead officer will consider whether the actions taken by the perpetrator concerned warrants the use of an ABC
- Lead officer will bring all available evidence to the meeting for discussion, including details of any discussion with the perpetrator about the terms of the ABC
- Where agreed, a smaller focus group will draw up an ABC for the relevant parties to sign
- Lead officer will arrange to meet the perpetrator concerned, with an appropriate adult present where the perpetrator is aged between 10 and 18, and explain the ABC in detail
- Once signed, the lead officer will update the system and monitor compliance

### **Notice of Seeking Possession (NOSP)**

Where a council tenant has broken the terms of their tenancy, the Council can, in appropriate cases, take action to evict them. The process that the Council follows is different depending on whether the tenancy is Introductory, Secure, Flexible or Demoted.

The first formal step in possession proceedings relating to a secure tenancy is for the Council to send the tenant a NOSP. This will set out clearly the behaviour that the Council is saying breaks the terms of the tenancy and will tell the tenant the date after which court proceedings can be started. A NOSP lasts for 12 months.

### **Demotion Order**

A Demotion Order ends a secure tenancy where the tenant or a person residing in or visiting the property has engaged or threatened to engage in housing-related anti-social behaviour. The effect is to put back or 'demote' the tenant to a new demoted tenancy similar to an introductory tenancy for a period of one year. Once the period of one year has expired, the tenancy reverts to secure tenancy unless an order for possession has been sought in the interim.

An application for a Demotion Order is made to the County Court. A Demotion Order cannot be applied for until a Notice of Intention to apply for a Demotion Order has been served on the tenant:

- Where a Demotion Order is applied for and granted by the County Court, it is served on the tenant and compliance is monitored for the period of one year following the demotion
- If the behaviour has been modified to the satisfaction of the lead officer within the year, consideration will be given to restore the tenancy to a secure tenancy (with conditions, if deemed appropriate)
- If the behaviour has not been modified and reports of anti-social behaviour (ASB) are still received, the lead officer will consider serving a Notice of Proceedings for Possession
- Lead officer updates the system throughout the process

The procedures for the following powers (excepting Absolute Ground for Possession, which is covered by separate guidance) are covered in the Home Office's Statutory guidance for frontline professionals (Updated December 2017). All of these are listed in the [Anti-social Behaviour, Crime and Policing Act 2014](#):

- **Civil Injunction**
- **Criminal Behaviour Order**
- **Community Protection Notice**
- **Public Spaces Protection Order**
- **Closure power**