

Anti-Social Behaviour Policy and Procedures

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London Borough of Barking and Dagenham Council's (LBB) Anti-Social Behaviour Policy and Procedures Summary

Anti-social behaviour ("ASB") is a wide definition which describes the day-to-day incidents of crime, nuisance and disorder that may impact on the enjoyment of a resident's home or on our community more generally. Examples can include litter and vandalism, public drunkenness, aggressive dogs, noisy or abusive neighbours, etc. We define ASB as follows:

- Acting in a manner that causes or is likely to cause harassment, alarm or distress to any person;
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises;
- If a council or tenant or tenant of a Registered Provider of Social Housing, it can be conduct capable of causing nuisance or annoyance to any person which directly or indirectly relates to or affects our housing management functions;
- Using or threatening to use residential premises for immoral or illegal purposes. It is not children playing sensibly or playing football or, for example, a baby crying next door.

In all cases ASB will be addressed firmly, fairly, proportionately, and holistically.

Where the Council acts as a landlord, we have a duty to respond to ASB affecting the properties we manage. Our landlord duties and powers complement the duties and powers we have to deal with ASB of non-council tenants.

This document provides staff and customers with a summary of our approach and the actions that may be taken when a report of ASB is received.

1.0 REPORTS OF ANTI SOCIAL BEHAVIOUR

1.1 When does the Council investigate a report of ASB?

The Council may take the lead in investigating reports of ASB in the following circumstances:

- When the person experiencing and/or perpetrating ASB is a Council tenant, or if the ASB is perpetrated by another person when visiting a Council tenant.
- When both the person experiencing and the person perpetrating ASB are owner occupiers or reside in privately rented accommodation.
- When the ASB is taking place in any public place or place to which the public have access.

When either the person experiencing ASB or the perpetrator of ASB is a tenant of another social landlord or lives in a property managed by a Registered Provider ("RP") of Social Housing (housing association), we will encourage the complainant to refer the matter to the registered provider with an expectation it is dealt with by the provider using its powers under the various Housing Acts.

We expect private landlords to ensure that ASB is addressed at the earliest opportunity and dealt with appropriately and we can take formal action against landlords who fail to do so.

Serious ASB involving criminal conduct should be reported to Metropolitan Police by telephoning 101 or 999 in an emergency or using crime stoppers anonymously.

1.2 Making a report of ASB to the Council

Reports of ASB to the Council can be made in any of the following ways:

- By telephone, online, or in writing. Details of how to do this can be found at: [Report a problem | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](https://www.lbbd.gov.uk/report-a-problem)
- By a third party, for example by a Local Councillor, Member of Parliament, or social worker. If a report is made via a third party, we will seek the consent of the reporter to communicate and share information with the third party.

We do not accept reports of ASB by social media, e.g., Twitter.

1.3 What types of reports will be investigated?

ASB can mean different things to different people and may or may not include criminal activity. Types of behaviour that the Council considers to be anti-social include;

- Hate incidents such as offensive graffiti;
- Use or threatened use of violence;
- Repeated abusive language or behaviour;
- Harassment;
- Damage to property;
- Domestic abuse;
- Hate crime in conjunction with police as lead agency.

With reference to this ASB policy, the following matters will not be investigated:

- Actions that are considered to be normal everyday activities or household noise.
- Children playing ball games, unless the children are also engaged in associated ASB.
- Reports related to people staring with no other associated ASB.
- Actions which amount to people being unpleasant to each other but are not sufficiently serious considering the likely harm caused to justify our involvement.
- Environmental or other Housing issues such as statutory noise nuisance, fly tipping, overcrowding and disrepair. Other Council departments are responsible for investigating these types of problems and reports can be made via the Council's website: [Report a problem | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](https://www.lbbd.gov.uk/report-a-problem).

The lists above are not exhaustive. Officers of the Council will exercise judgement to establish an appropriate response.

1.4 Making a report of hate crime

Hate crimes and hate incidents are crimes that are motivated by hostility or prejudice against a group of people based on a characteristic or perceived characteristic.

This could be:

- race, or ethnicity
- religion or belief
- disability – including physical and learning difficulties
- gender
- age
- trans and gender reassignment
- sexual orientation
- the perception that someone fits into one of these categories, even if they do not

Hate crime can take many forms including:

- **physical attacks** – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- **threat of attack** – including offensive letters, abusive or obscene phone calls, groups hanging around to intimidate and unfounded, malicious complaints
- **abuse or insults** – offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

If you are a victim of, or have witnessed, a hate crime or incident, you can report it to one of several organisations by:

Police

- In an emergency dial 999.
- Non-emergency dial 101
- [Report hate crime to the Met Police online](#) – You don't have to give your name.

The Councils equality objectives are part of the new Corporate Plan. Here is the link to our Corporate Plan: <https://www.lbbd.gov.uk/council-and-democracy/plans-and-priorities/corporate-plan-and-performance-framework>

1.5 Anonymous Reports

The Council always prefer to have direct contact with the person experiencing the ASB (“the reporter”) to understand the problems they are experiencing, offer appropriate support and provide updates regarding the investigation. Officers will investigate an anonymous report if the report can be substantiated and will make reasonable attempts to substantiate the report.

1.6 How are ASB reports prioritised?

Reports of ASB are prioritised at point of contact. This involves confirming the allegation and asking a series of short questions to assess the potential risk of harm caused by the ASB. Reports of ASB are then allocated to a named Investigating Officer.

If the ASB involves the use or threat of violence or there is a significant risk of harm i.e., a hate crime/incident, an officer will aim to contact the reporter within 1 working day. For all other reports of ASB, an officer will aim to contact the reporter within 5 working days. Hate crimes will be referred to the police. However, we shall work closely with policing partners where there may, for example, be a breach of tenancy obligation or in circumstances where we may consider civil action to compliment any criminal investigations or prosecutions. Following a hate crime conviction, we would work to support the resident.

2.0 REFERRALS TO OTHER AGENCIES

Investigating Officers will make referrals to other Council departments or agencies as appropriate during their investigation. Any referrals made will involve the Investigating Officer seeking consent from the individual concerned, unless there is an overriding safeguarding concern in relation to a vulnerable adult or child.

3.0 ASB INVESTIGATION

3.1 Interviewing the reporter

When a report of ASB is made, the Investigating Officer will interview the reporter to confirm all relevant facts and an action plan will be discussed. As part of the action plan, the reporter will be expected to keep an accurate record of any further incidents of ASB and report any further incidents to the Investigating Officer. The officer will attempt to complete an ASB Vulnerability Risk Assessment with all reporters (not acting within their professional capacity e.g., police officer) to assess the reporter's vulnerability to the ASB they are experiencing. The officer will agree an action plan detailing what the reporter/victim is expected to do and what you may expect from the Council or other partners.

3.2 Wider Investigations

Investigating Officers will usually conduct a wider investigation which may involve contacting other potential reporters or witnesses, in addition to making enquiries with any relevant Council departments or partner agencies such as the Metropolitan Police.

3.3 Interviewing the alleged perpetrator

During most investigations (except where a without notice injunction is being considered), contact will be made with the alleged perpetrator. The alleged perpetrator will be given a fair opportunity to respond to the ASB allegations. The Investigating Officer will explain the consequences of perpetrating ASB and summarise the next steps in the investigation.

3.4 Counter Allegations

Investigating Officers will conduct a proportionate investigation into any counter allegation that is considered to be ASB. Feedback will be provided to the person making the counter allegation.

4.0 ASB ACTIONS

4.1 Levels of Evidence

Most ASB investigations take place within a civil law framework which means a civil standard of proof is applicable. The Investigating Officer needs only to be able to demonstrate that the incident(s) is more likely than not to have happened.

When civil legal action has been taken and a Court Order has been breached i.e. breach of an Injunction order, Closure Order or prosecution for breach of a Community Protection Notice, the criminal standard of proof applies. This means that a conviction for breach can only occur if the Court is sure of the Defendant's guilt (i.e. the criminal standard of proof is required for conviction).

In investigating or acting on reports of ASB, the Council must first ensure that sufficient evidence is present to support any allegations made.

4.2 Insufficient Evidence

During an investigation there may be several reasons why an Investigating Officer cannot take action. These reasons may include:

- Establishing that the incident did not happen.
- Having insufficient evidence to pursue the matter, with reference to the relevant standard of proof.
- Where, upon enquiry, the Council does not find the issues reported to be anti-social.
- Not being able to investigate fully due to non-cooperation of the reporter / witness.
- The ASB has stopped and the likelihood of further ASB is low.

The Investigating Officer will inform the reporter at the earliest opportunity if they determine that they cannot take action or further action and will close the case.

4.3 Determining Appropriate ASB Actions

The Investigating Officer will assess each case on the information available and the actions taken will be proportionate and bespoke to the circumstances of each case. Typically, Investigating Officers will use informal methods to try to resolve a report of ASB in the first instance. However, in priority cases, such as when there has been a use or threat of violence, legal action may be the first course of action.

4.4 Informal methods

Investigating Officers may consider using informal methods such as:

- Mediation
- Restorative Meetings
- Providing information and advice
- Investigatory interviews
- Warning Interviews
- Acceptable Behaviour Agreements / Contracts
- Referrals to partners / support agencies

It will be a matter for the Investigating Officer to determine when and in what circumstances informal methods will be used and the appropriateness of, for example, mediation and/or restorative measures. We will not ask complainants to undertake mediation where there has been violence or the threat of violence. Complainants will be expected to co-operate with these methods aimed at finding a meeting of minds and best alternatives. We will not be guided by insurances that complainants, for example, require someone is evicted. If complainants unreasonably refuse to co-operate with informal methods such as mediation, we may close the complaint.

4.5 Legal actions

Investigating Officers may consider applying for legal action such as:

- Injunction (including powers of arrest)
- Criminal Behaviour Order
- Community Protection Notices
- Closure Orders
- Breach Proceedings
- ASB Possession Proceedings (within our landlord capacity only)
- Fixed Penalty Notices
- Community Protection Warnings (CPW) and Community Protection Notices (CPN)
- Any other legal or other intervention the Council deem appropriate.

There may be other informal methods and legal actions that the Investigating Officer considers are appropriate dependent upon the circumstances of the case.

4.6 Justification

Officers will justify the use of informal methods and/or legal actions with reasons.

4.7 Manager Review

If the Investigating Officer considers it appropriate to proceed with legal action the case will be reviewed by the ASB Team Manager or the Community Safety Operations Manager prior to making a referral to legal services for legal advice. The Investigating Officer will always consider the legal advice received prior to instructing a solicitor to proceed with a legal application. Such advice is legally privileged and therefore will not be disclosed.

5.0 Domestic Abuse

In Barking and Dagenham tackling the harm caused by domestic abuse is a corporate priority.

Domestic abuse is not an example of anti-social behaviour. Domestic abuse is a crime. We know that sometimes reports of ASB can actually be instances of domestic abuse, for example excessive neighbour noise could be sounds of domestic abuse being perpetrated. This policy ensures we are able to correctly identify domestic abuse and take action accordingly.

The **Barking and Dagenham Domestic Abuse Commission** launched in September 2019. The Commission brought together a panel of national experts to consider how LBBDD could do more to tackle endemic domestic abuse in the borough. The Commission was the first of its kind in the country.

The Commission conducted a range of qualitative and quantitative work with residents and professionals. The commission's **final report** was received and approved by Cabinet in February 2021 and published formally in March 2021. Survivors of domestic abuse co-produced the report and the outcomes, and recommendations within it. The full report can be found here: <https://modgov.lbbd.gov.uk/internet/documents/s143521/DA%20Commission%20-%20App%201.pdf>

The Commission developed **six key principles** to guide all our work around domestic abuse:

1. **We believe survivors** – survivors should be believed as a starting point of all of our work, whatever role we have across the Barking and Dagenham workforce
2. **We are led by survivors** – survivors are at the heart of any approach to domestic abuse. They are consulted and their needs are put at the centre. •
3. We focus first on **changing behaviour** in order to change attitude – we make it clear that domestic abuse will not be tolerated and that tackling domestic abuse is a priority, which can help to change someone’s attitude and belief system around domestic abuse.
4. **We do not create harm** – we don’t create harm by implementing something which tries to help but can have a negative impact because it’s not fully developed and co-ordinated with a wider offer.
5. **We are feminist and anti-racist** – as the most diverse area in London, a one-size fits all approach won’t work. We work in an intersectional way to create the bespoke response an individual or family needs.
6. **We are trauma informed** – trauma is inseparably bound up with systems of power and oppression. For people who have experienced trauma in their lives, public services can unwittingly make things worse if they create situations that bring back the trauma or make them feel unsafe. We work to ensure we do not do this.

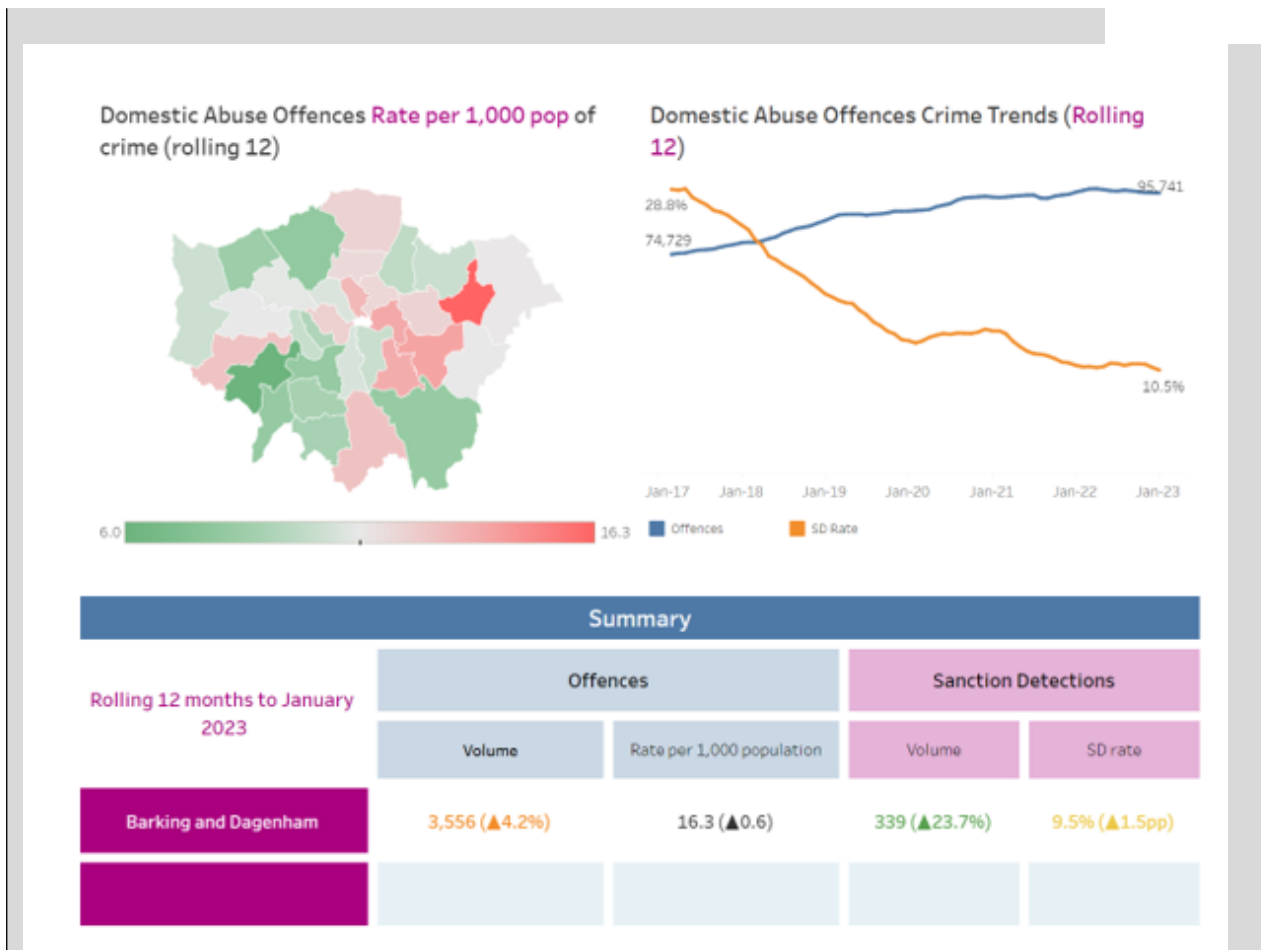
Domestic Abuse – Key Facts

Domestic abuse is very common. Domestic abuse has a devastating impact on victims and survivors, their families, and the wider community. Domestic abuse can happen to anyone, in any type of relationship. Domestic abuse affects both men and women, but in the vast majority of cases it is experienced by women and is perpetrated by men. Women are more likely to experience domestic abuse, to experience more severe incidents and to experience prolonged patterns of abuse. Domestic abuse always has impacts and consequences for all victims, and certain groups experience additional challenges and barriers to seeking help.

The Crime Survey of England and Wales (CSEW) estimates that one in three women will experience domestic abuse in their lifetime. Victims can be reluctant to disclose and may experience up to 35 incidents before seeking help. On average the police in England and Wales receive over 100 calls relating to domestic abuse every hour. (HMIC, 2015). According to CSEW data for the year ending March 2018, only 18% of women who had experienced partner abuse in the last 12 months reported the abuse to the police.

On average a woman is killed by her male partner or former partner every four days in England and Wales. In London, recorded domestic abuse cases have increased by 26 per cent in five years.

Barking and Dagenham has the highest volume per 1,000 population of domestic abuse offences in London, as demonstrated by the below statistics:



What is domestic abuse?

The **Domestic Abuse Act 2021** defines domestic abuse as:

'Any incident or pattern of incidents of controlling, coercive or 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.'

This can **encompass but is not limited to** the following types of abuse:

- **Physical** abuse
- **Emotional** abuse
- **Economic** abuse
- **Psychological** abuse
- **Sexual** abuse
- **Coercive** behaviour
- **Controlling** behaviour

All forms of abuse are serious, and one type **should not** be weighted over another.

Controlling behaviour is defined as acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities, depriving them of the means for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is defined as an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. The term "abuse" is used as controlling and coercive behaviour may not involve physical violence but can have the same impact.

Abusive behaviour is classed as domestic abuse if the perpetrator is **personally connected** to the victim. Personally connected means they are, or have:

- Been married to each other
- Been in a civil partnership with each other
- Agreed to marry one another (whether that agreement has ended or not)
- Agreed to a civil partnership (whether that agreement has ended or not)
- Been in an intimate personal relationship
- Had a parental relationship to the same child

Relatives are also classed as personally connected. Relatives include parents, grandparents, children, grandchildren, siblings, aunts, uncles, nieces, and nephews. Step and half relations are also included.

For the purposes of **child protection**, the definition of harm includes the impairment suffered by children from seeing or hearing the ill-treatment of another in connection to domestic abuse. Children under 18 who see, hear, or experiences the effects of domestic abuse (where the victim or the perpetrator has parental responsibility for the child, or is related) were recognised in the Domestic Abuse Act 2021 as victims in their own right.

The definition also includes all forms of abuse and violence within the family including the following:

- **“Honour” based violence** - committed against a family or community member in order to protect or defend the honour of the family or community
- **Female genital mutilation (FGM)** - an illegal practice involving the cutting or otherwise changing of the female genitals
- **Forced marriage** - a marriage conducted without the valid consent of one or both parties and where duress is a factor

The above outlines the definition of domestic abuse used by London Borough of Barking and Dagenham across our services and interventions.

The policy aims to:

- Ensure Barking and Dagenham Council delivers its **statutory responsibilities**, as outlined in key pieces of legislation such as the Homelessness Reduction Act 2017 and the Domestic Abuse Act 2021
- Ensure that staff working across housing services are able to **recognise** the presence of domestic abuse in families, and are able to intervene as early as possible to minimise harm – understanding that this may be our first and only opportunity to make a victim safe
- Ensure that we **protect victims of domestic abuse**, by understanding and assessing the risk to victims, including children, and making appropriate **referrals** to services on behalf of the family to support victims and children
- Support staff to work **safely and effectively** with families to resolve ASB concerns by having robust responses and pathways in place for those where we identify domestic abuse
- Hold **perpetrators to account** for their actions, maintaining the safety of the victim and survivor and their children
- Support delivery of the **Domestic Abuse Commission** principles and recommendations, the **Domestic Abuse Improvement Programme** and the **Violence Against Women and Girls (VAWG) Strategy**

The council will ensure that all ASB professionals are aware of key indicators of domestic abuse, of how to respond to disclosures of domestic abuse and what to do next to support victims and children and young people, as well as perpetrators. We will do this by:

- Providing access to the multi-agency training offer provided by the Barking and Dagenham Safeguarding Children Partnership – supporting a trauma informed, Safe and Together understanding of domestic abuse and staff able to conduct basic risk assessments and safety plans

- Ensure staff attend council provided learning and development on domestic abuse, including the compulsory training for managers
- Ensure all staff are familiar with the council's statutory duties in relation to domestic abuse
- Ensure staff are aware of the domestic abuse objectives within the council's objective library, and that these are used within appraisals and work plans appropriately
- Ensuring all staff are aware of local referral pathways for specialist support and that these are embedded in our procedures
- Ensuring all staff are aware of domestic abuse procedures
- Ensuring all housing staff are familiar with the correct process for responding to victims and survivors who are at high risk of harm, including making MARAC (Multi-agency Risk Assessment Conference) referrals
- Ensuring all staff are familiar with the correct process for making safeguarding referrals for children and adults at risk where appropriate

All ASB professionals can access **further information** about domestic abuse and how we work in the detailed domestic abuse guidance for staff and the 'at a glance' guide for staff, available here:

<https://lbbd.sharepoint.com/sites/Intranet/SitePages/Domestic-Abuse.aspx>

or

<https://bdsafeguarding.org/domestic-abuse/>

or

<https://www.lbbd.gov.uk/adult-health-and-social-care/health-and-wellbeing/domestic-abuse/professionals-guidance-and-advice>

This toolkit should inform the work of all officers dealing with potential and identified domestic abuse cases.

6.0 ASB CASE CLOSURE

6.1 Reasons for Case Closure

Investigating Officers will close cases in a timely manner so that cases are not open longer than necessary. The Investigating Officer will communicate with reporters and partners when resolutions have been reached or a case is closed and will ensure accurate recording of cases.

7.0 REPORTER SATISFACTION SURVEYS

The Service will endeavour to complete a short survey with every reporter or witness (not acting in a professional capacity e.g., police officer) to check they are satisfied with the service they have received. The manager will be made aware of any circumstances when the feedback received is not satisfactory.

8.0 COMMENTS AND COMPLAINTS

If anyone is dissatisfied with the ASB service, they have received they may make a complaint to the Council, which will be fully investigated. Here is a link to our complaints procedure: [Complaints procedure | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)

8.1 Community Trigger

You can ask for the Community Trigger to be activated if you consider no action has been taken after you have complained to us at the council, police or a registered housing provider about 3 separate incidents of antisocial behaviour in the last 6 months.

You can also ask for the Community Trigger if 5 individuals in the local community have complained separately to the council, police or registered housing provider about similar incidents of antisocial behaviour in the last 6 months. Here is a link to our online form.

[Follow up antisocial behaviour report](#)

9.0 REVIEW PERIOD

This policy and procedures statement will be reviewed periodically or in line with changes in relevant legislation.

London Borough of Barking and Dagenham Council Anti-Social Behaviour Policy and Procedures Statement

1.0 Strategic Overview

The London Borough of Barking and Dagenham community safety strategy (2023 to 2026) sets the vision for the Council. Our key aim is to be a place where residents from all backgrounds feel safe, can aspire and live well, keeping our children and young people safe, tackling crime that affects people the most, reducing offending, tackling violence against women and girls and standing up to hate, intolerance and extremism. Our approach is to become more proactive, pre-emptive and creative, focusing on a person's or community's strengths and opportunities.

The first thematic priority of the Council's community safety strategy is to tackle Anti-Social Behaviour (ASB) through a triple-track approach of early intervention and prevention, non-negotiable support and strong enforcement action when necessary. We aim to strengthen community capacity to resolve issues, protect and support victims and use informal and formal tools and powers to tackle ASB. By working together, we are building more resilience in communities to challenge the corrosive effect of ASB, intimidation and harassment caused by a minority of people.

The Anti-Social Behaviour Act 2003 places a legal requirement on all social landlords to publish an Anti-Social Behaviour Policy and Procedures Statement. This document fulfils this legal requirement specifically relevant to non-secure tenants living in the Council's temporary accommodation schemes and dispersed properties across our Borough.

The Council applies a harm-centred approach to tackling ASB. The Council will consider the harm caused to individuals and communities along with the type of ASB reported and the available evidence to determine a course of action that the Council deems appropriate.

Through applying effective ASB case management principles, starting at the point of contact and continuing throughout the management of a case, officers will take action that is appropriate and proportionate to the harm caused to the victim or witness, the nature of the complaint and the quality of evidence available.

The focus of our casework will be as much about supporting the complainant or witness of ASB as actions relating to the alleged perpetrator.

The key points that officers will consider throughout ASB casework processes will include resolving issues at the earliest opportunity, protecting individuals and communities, stopping and changing the offending behaviour where possible and keeping an emphasis on the complainant or witness.

This statement specifically focuses on ASB and does not include issues that should be investigated in relation to other legislative frameworks.

2.0 Definitions of ASB

The Council adopts the definitions of ASB as outlined in the Anti-Social Behaviour, Crime and Policing Act 2014:

a) Non-Housing Related ASB

For ASB in a non-housing related context, ASB is conduct that caused, or is likely to cause harassment, alarm, or distress to any person. This will apply, for example, where the ASB has occurred in a public place, such as a town or city centre, shopping centre, or local park, and where the behaviour does not necessarily affect the housing management functions of a social landlord.

b) Housing Related ASB

For ASB in a housing context; ASB is conduct that is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing related nuisance or annoyance to any person.

The Council will also consider any ASB definitions as stated in an individual's tenancy agreement or lease with the Council when taking actions to manage ASB.

2.1 Types of ASB

ASB can mean different things to different people and may or may not include criminal activity. We will take action to investigate reports made by LBBB residents, visitors to our Borough, our employees and contractors. We will also accept referrals from third parties such as a Local Councillor, Member of Parliament, the Metropolitan Police and other departments within the Council.

Types of behaviour that the Council may consider to be ASB include:

- Hate crimes / Hate Incidents
- Use or threatened use of violence
- Repeated abusive language or behaviour
- Harassment
- Damage to property
- Domestic abuse

The Council recognises that domestic violence committed by a tenant, family member or visitor in social housing could fall within the description of ASB outlined at section 2.1. When domestic abuse is reported to us, this is investigated by Tenancy Sustainment. Tenancy Sustainment will complete a Domestic Abuse Stalking and Harassment (DASH) Risk Assessment and, if appropriate, with the consent of the victim, will make a referral into the Multi Agency Risk Assessment Conference (MARAC) and subsequently attend the MARAC to present the case. If the victim does not consent to the MARAC form being completed but the Investigating Officer is concerned that there is a serious risk of harm to the victim, the form will be completed by the Investigating Officer and referred into the next MARAC meeting. It will be noted on the referral form that the victim's consent was sought but not obtained. MARACs are held on a monthly basis with the aim of reducing the risk of death or serious injury to high-risk victims of domestic abuse. This is done by identifying those most at risk and trying to keep them safe by sharing information and putting action plans in place to reduce and manage the identified risks.

When the threshold for a referral to the MARAC is not met, Investigating Officers will encourage domestic abuse victims to speak to specialist domestic abuse services and will safely provide information on how to access these services. Investigating Officers will determine if there are potentially any child safeguarding risks to children and make appropriate referrals to the Directorate of Children and Families.

Investigating Officers will be mindful of the need to ensure that domestic abuse victims are supported in accessing remedies specifically designed to deal with domestic abuse (for example non-molestation orders, Domestic Violence Protection Notices / Orders).

The use of measures designed to tackle ASB will normally be used only when the Metropolitan Police have been consulted and there is no other option available in order to provide protection and prevent the impact on the wider community.

This list of types of ASB the Council will investigate is non-exhaustive and this policy is not an undertaking to act in every such circumstance. Officers of the Council will, in all reported cases, exercise their judgment in order to establish an appropriate response to the report of ASB including what has happened, the harm caused or risk of harm, the frequency of incidents, the evidence available and any known vulnerabilities of the people involved.

2.2 What the Council will not investigate

The Council is committed to developing and supporting cohesive communities across the city and expects a reasonable level of tolerance between neighbours and others within our communities. Residents are encouraged, where possible, to try to resolve their disputes themselves without the need for the Council to be involved. Officers will seek to make a fair evaluation on whether complaints made are reasonable and are determined to constitute alleged ASB. Examples of the types of reports that the Anti-Social Behaviour Action Team will not investigate as ASB allegations include:

- Actions that are considered to be normal everyday activities or household noise, for example children playing inside or outside their property.
- Children playing ball games, unless the children are also engaged in associated ASB e.g., verbal abuse, criminal damage.
- Complaints related to people staring with no other associated ASB.
- Actions which amount to people being unpleasant to each other but are not sufficiently serious, considering the likely harm caused, to justify our involvement.
- Cases of illegal drug use, production, or supply when there is no associated ASB. Residents will be advised to report such issues to The Metropolitan Police [Report a crime | Metropolitan Police](#).
- Environmental issues such as noise nuisance, fly tipping, overcrowding and disrepair. Such matters can be reported here: [Pests, pollution, noise and food | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- Parking matters, with no other associated ASB. Abandoned and untaxed vehicles, illegal front garden parking and obstruction of dropped curbs can be reported [Report a problem | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#). If someone has parked inconsiderately or in your designated parking space without permission the responsibility will sit with the freeholder or managing agent.

When determining if a report is ASB or not, officers will exercise professional judgement. If an officer determines that the complaint does not constitute ASB, they will inform the complainant at the earliest opportunity, advising them that no ASB action will be taken. The officer will provide advice and sign posting information if appropriate.

3.0 How cases are prioritised

The Council will prioritise reports of ASB involving the use or threatened use of violence to person or property and / or reports involving significant harm or risk of harm to individuals, families or neighbourhoods e.g., hate incidents. These types of cases will involve making urgent contact with the complainant and consideration of the potential need to apply for a without notice injunction against the perpetrator.

All other reports of ASB will involve a standard response time and these cases will usually involve informal actions, such as an interview with the alleged perpetrator, to try to resolve the report of ASB without the need for legal action. When individuals fail to change their behaviour, despite being given the opportunity to do so, and their behaviour continues to have negative impact upon the quality of life of another person, the officer may decide that it is appropriate to take legal action.

Officers will review the approach to a case by reference to what is reported to them, and any other new information presented to them. A standard response case may become a priority case and vice versa.

4.0 Cross Tenure Issues

This policy applies to reports of ASB affecting the Council's landlord housing management function and to reports of ASB in the private sector i.e. involving home owners, private tenants and ASB that takes place in an area where there is no link to the housing management function of the Council, another Local Authority area or a social housing provider.

There will be times when reports of ASB will need to involve other Local Authority areas or social housing providers because either the complainant or the alleged perpetrator are tenants of that organisation. When these types of reports are made to the Council, the ASB Investigating Officer will discuss with the relevant organisation who will take a lead role in coordinating specific actions and this information will be shared with everyone involved in the ASB report.

The Private Sector Housing selective licencing scheme has a series of conditions designed to prevent ASB that landlords need to comply with. Landlords are required to actively work to prevent and stop ASB, whether that is from tenants or visitors. Where the ASB team identify serious issues or where landlords have ignored ASB or failed to take action, the Private Sector Housing Team will revoke the property licence.

The threat of revoking a property licence usually results in the landlord evicting tenants who persistently cause ASB. If they refuse to do so, and the licence is revoked, a new licence holder would have to be appointed to apply for a new licence and take over all management of the property.

The Metropolitan Police may also investigate reports of ASB across all tenures, particularly when there is an allegation that a crime has been committed. The Council will work in partnership with the Metropolitan Police to investigate and tackle ASB in our communities.

5.0 Expectation of our tenants

The Council expects our tenants to act responsibly, respect others and not to engage in anti-social or criminal behaviour. We consider that our tenants are responsible for their own behaviour, the behaviour of those people who live with them and the behaviour of people who visit their property.

Informal and/or formal action may be taken against a tenant to address the behaviour of others who live with them or visit their property.

6.0 Victim / witness support

Victims and witnesses (“Reporters”) are at the centre of the action we take to investigate and resolve reports of ASB. All Reporters will be provided with a named officer who will be responsible for investigating their report. Support to Reporters will be assessed individually with each Reporter that engages with us to ensure that the support offered is tailored specifically to individual needs.

A harm-centred approach is taken. This means that in addition to considering the type of ASB, we will consider the impact that ASB is having on individuals, families and neighbourhoods to understand the harm that is being caused. We will do this by completing an ASB Vulnerability Risk Assessment with complainants (not acting in their professional capacity i.e., police officer). In some cases, when a neighbourhood is experiencing ASB, we may conduct a Community Impact Statement involving information from residents and partners.

Dependent upon the outcome of the ASB vulnerability risk assessment, it may be agreed that further actions to help manage or reduce the risk of harm is appropriate. Type of actions may include a referral to a victim support service, additional contact from the ASB Officer, asking if the police could carry out additional patrols or conduct reassurance visits, making a referral to another Council department or agency e.g. Adult Safeguarding, Drug and Alcohol Services, Mental Health Services and or any other services offering support in our Borough, etc.

Sometimes ASB reports are made to the Council anonymously, usually because that person genuinely fears reprisals if they were identified as having made a complaint.

We always prefer to communicate directly with people who are experiencing ASB. This helps us to gain an understanding of the problems those people are experiencing, allows us to assess the risk of harm and means that we can provide updates regarding the progress of an individual’s report and the corresponding actions taken. A complainant’s identity will not be disclosed to the alleged perpetrator without seeking consent from the complainant to do so. In some cases, we do not need to provide the alleged perpetrator with the complainant’s identity at any stage within the case. In other cases, specifically if the complainant has had direct contact with the alleged perpetrator, it may be obvious to the alleged perpetrator who has complained.

If an anonymous report of ASB is received, we will attempt to investigate the report. This may involve checking our internal records for any previous reports, contacting residents who live in the immediate area to ask if they have experienced any problems and asking our partners, such as the Metropolitan Police, if they are aware of any relevant information. We are unlikely to make any contact with the alleged perpetrator if we cannot substantiate the anonymous report of ASB.

7.0 Support for vulnerable perpetrators

We recognise that some perpetrators may have support needs. When we are made aware by the perpetrator (or by any information made available to us) that a person has or may have a support need, we will explain our concerns and invite the perpetrator to discuss their needs with us. We will seek an alleged perpetrator’s consent to make a referral(s) to an appropriate Council department or external organisation on their behalf, if appropriate. If the perpetrator is already

engaged with a support service, we will discuss with the perpetrator sharing relevant information with the support service.

We reserve the right to make a referral to our Adults and Child safeguarding teams, or the police, including a safeguarding referral, without the permission of the individual(s) concerned where the situation and provision of the Data Protection Act and any other legislation justifies it.

When the perpetrator of the ASB is a young person, we will attempt to engage with their parents or guardians to offer appropriate family support. This may involve seeking consent to make a referral into the Council's Early Help services. The aim of Early Help is to develop a consistent approach amongst multi-agency professionals working with children and young people to ensure that effective intervention is offered as soon as possible to tackle problems emerging early for young people and their families.

If a perpetrator of ASB refuses to or stops engaging with an appropriate support service without a reasonable excuse, or if they accept support but the ASB continues, the Council will consider taking legal action. If the Council decides to apply for an Injunction or a Criminal Behaviour Order, we will consider applying for a positive requirement for the perpetrator to attend an assessment and/or engage with a specific Council department or external organisation.

In some priority cases, when a decision is made to apply for urgent legal action, an invitation to the perpetrator to discuss any support needs may take place after the legal application has been made.

If, during the time the ASB report is open to our service, we are made aware that the perpetrators needs have changed we will consider this new information and offer to make any further appropriate referrals.

We will carefully consider and justify our actions, with a focus so as not to disadvantage those protected by the Equality Act 2010.

8.0 Preventive Action

Whenever possible the Council will take action to prevent ASB from happening in the first place. Examples of how we may do this include, but are not limited to:

- Working with partners to identify areas of concern and planning coordinated targeted actions.
- Supporting the delivery of targeted youth provision.
- Considering any environmental improvements that may reduce the likelihood of ASB taking place.
- Delivering training to partners and community groups regarding ASB and community safety issues.

9.0 Informal Action

The Council's aim is to intervene early to stop and prevent cases of ASB escalating. The informal interventions that may be considered are:

- Mediation – an early intervention tool to support parties to resolve a conflict or dispute.
- Restorative Meetings – a way to acknowledge and repair harm following an incident of antisocial behaviour or crime.
- Providing information and advice.
- Investigatory interviews – where an Investigating Officer assesses whether an incident of ASB has taken place.
- Warning Interviews – where an Investigating Officer, on the balance of probabilities, is satisfied that an ASB incident has taken place and will therefore explain the consequences of continuing to act in an anti-social manner.
- Acceptable Behaviour Agreements / Contracts – an agreement with an individual which sets out what they will or will not do in the future. The Investigating Officer 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.
 - Referrals to colleagues/ partners / support agencies.

10.0 Legal Action

The Council may consider taking legal action when ASB continues following an attempt to resolve the ASB informally. In priority cases involving the use or threat of violence towards person or property and/or where there is serious risk of harm, we may not take any informal actions and instead take legal action in the first instance. Examples of legal actions that we may consider include:

- Injunction (including powers of arrest) – An order that can be granted against an individual aged 10 or over. An Injunction is designed to stop or prevent individuals from acting anti socially, quickly nipping ASB in the bud before it escalates.
- Criminal Behaviour Order – An order that can be granted against an individual aged 10 or over upon conviction of a criminal offence. These orders are to tackle those who persistently engage in criminal ASB.
- Community Protection Notices – A Notice that aims to stop a person aged 16 or over, business or organisation committing ASB which spoils the community's quality of life.
- Closure Order – An order that can be granted to quickly close premises, restricting who can access a premises, which is being used, or likely to be used, to commit nuisance or disorder.
- Breach Proceedings – Action to enforce the above powers. The Metropolitan Police and the Crown Prosecution Service take the lead in enforcing a breach of a Criminal Behaviour Order.
- Any other legal action which could be taken with the support of the Metropolitan Police/ Crown Prosecution Service i.e., Restraining Order.

We will also consider Public Space Protection Orders when it is considered the most appropriate tool to address a place based ASB issue. We will work with the Metropolitan Police to consider other potential solutions, such as use of the Dispersal Power or Restraining Orders.

In our capacity as a landlord, the Council may also take ASB possession proceedings. Prior to deciding to proceed with a claim for possession, we will give our tenants a right to reply to the ASB allegations. Where notice seeking possession has been served on mandatory grounds, the right to have that decision reviewed within a maximum of 7 days by application of section 85ZA(2) Housing Act 1985 is available. It should be noted that the maximum period of 7 days will not be extended, this is because there are no provisions in the Act for an extension and the provisions

under the Act were designed to tackle serious ASB. The very fact the Act specifies the 7 day time limit underlines its importance.

The Council has no basis to seek possession of a property where we are not the landlord.

The use of informal and legal action will be decided by the Council having considered the circumstances of each individual case and will be proportionate to the type of ASB and the risk of harm.

Generally, we would wish to obtain agreement with complainants about the particular actions to be followed. There may be occasions where the complainant would wish that the Council takes no specific action on their report. The situation may however be serious enough that we feel we have little option to pursue against their wishes. In such circumstances, we will take appropriate measures to protect all those affected.

In some circumstances, and if the situation is appropriate, the Council may be unable to progress an ASB case if a complainant refuses early intervention actions. The Council will decide and take whatever action we consider to be most appropriate.

11.0 Publicity

Publicity is an essential part of tackling ASB in terms of:

- Reassuring the community that the Council and partners work together and take reports of ASB seriously
- Reassuring complainants, witnesses, and the wider community that successful action has been taken to tackle ASB
- Publishing individual cases so that breaches of orders obtained can be reported to the relevant organisation
- Making it clear to perpetrators that the Council will not tolerate ASB and will take action to protect others.

In circumstances when a Court has not imposed reporting restrictions, and the Council considers it to be necessary and proportionate, a press release or other publicity material, such as an information leaflet, may be issued when the following orders have been granted or a Notice has been served. The Council may also issue a press release if the Court finds that any of the following orders / Notice have been breached:

- Final Injunction Order
- Final Criminal Behaviour Order
- Closure Order
- Partial Closure Order
- ASB Possession Order
- Community Protection Notice

The press release will be factual and may give the name, age and address of the individual against whom the order has been made or the breach occurred, the ASB they have been involved in and the terms of any order or sentence.

The decision to publicise will be considered carefully based on the facts of each case. The Council will consult with relevant partners such as the Metropolitan Police and the Directorate of Children and Families if an individual is engaged with services, including Youth Justice in respect of young people, to consider the following:

- Whether or not the court imposed any reporting restrictions
- The circumstances of the case
- The need for the public to be made aware of the order
- The need to publicise personal information
- The vulnerability of the individual
- Any likely consequences of publicising the order
- Where and how the order will be publicised

The final decision to publicise an order will be made by the Head of Community Safety.

The Council may also engage in other media coverage as deemed to be appropriate.

12.0 Multi Agency Working

Often, ASB cases require involvement from other Council departments and other agencies. We work closely with other enforcement agencies such as the police, registered providers, and other local authorities. It may be that these agencies have access to a more appropriate enforcement action.

We also work with support services including services within the Council's Children and Families safeguarding and early help teams, youth justice, education, health (including mental health) and youth services. We recognise that both complainants and perpetrators may have support needs and we want to offer referrals to support services when appropriate. We may work with other partners such as London Fire Brigade (LFB), offender management services, schools, colleges, universities, sporting clubs and associations and voluntary organisations when a specific issue arises e.g., an allegation of young people setting fires would involve us liaising with LFB.

We may discuss reports of ASB at a multi-agency forum to ensure that a coordinated response is taken involving the relevant partners to resolve the ASB problem. Types of forums we participate in include:

- Standing Case Conferences
- Weekly Tasking Meetings
- Various Community Safety panel meetings including London Wide partnerships
- Early Help triage and allocation meetings
- Community safety partnership meetings
- Multi Agency Risk Assessment Conference (MARAC)
- MAPPA (Multi Agency Public Protection Arrangements)
- Child protection conferences
- Ad-hoc meetings to discuss individual cases

13.0 Information Sharing and Confidentiality

We will treat all information received with the strictest of confidence. In the first instance, the best interest and wishes of the complainant will drive the actions we take. It is important to understand that in certain circumstances we may have a legal obligation to share relevant information with other statutory agencies e.g., if there is a serious safeguarding concern.

If we consider it important to access specific information from independent professionals in order to assess how we deal with a case, we will ask the reporter for their written consent to do so, unless there is an urgent overriding safeguarding concern involving a risk of harm to the reporter, or another person.

ASB information is recorded on a secure case management system and case files are stored securely. Data is held in accordance with the Council's data retention and destruction schedule.

We have a duty to share information with relevant agencies as defined in the Crime and Disorder Act 1998. We will share information with accordance to the Data Protection Act 1998 and data sharing principles.

14.0 Training and Service Development

The Council is committed to continually reviewing the service we provide so that we can identify and share practice and identify any service improvements. Ways in which we continue to develop include facilitating internal and external staff training, conducting regular case reviews between Investigating Officers and managers, along with group case supervision and consulting with the public when significant changes are made to the service. Our performance is monitored through a range of indicators including number and types of cases, customer response times and the types of informal and formal ASB actions. We have recently introduced a customer survey which we will undertake with ASB complainants and consult with residents before making any significant changes to Council services.

We report quarterly to our Community Safety Lead and provide reports to our Communities Scrutiny Committee and Community Safety Partnership Board.

15.0 Availability of the ASB Policy and Procedures Statement

A copy of this ASB Policy can be found on the Council's Community Safety website at [Community safety and crime | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](https://www.lbbd.gov.uk/community-safety-and-crime)

Please contact the ASB Team if you require a translated copy of the Statement and Summary or a copy in an alternative format (i.e., Braille and large print).

16.0 Review of Policy and Procedures Statement

This policy and procedures statement will be reviewed periodically or in line with changes in relevant legislation.

Date: 16 June 2023

Review by 16 June 2026