

MAIN PROPOSED UPDATES TO THE ANTI SOCIAL BEHAVIOUR POLICY

POLICY TITLE

The policy is proposed to be renamed from 'Anti-Social Behaviour Policy' to 'Anti-Social Behaviour and Hate Incident Policy'.

SECTION 1 – INTRODUCTION

Paragraph 1.2. – New paragraph explaining that hate incidents are a type of anti-social behaviour motivated by hostility or prejudice towards particular protected characteristic groups.

Paragraph 1.4. – Added that the Environmental Enforcement Team has responsibilities and powers in respect of dealing with anti-social behaviour alongside the Community Safety Unit, Housing Service, and Environmental Health Service.

SECTION 2 – STRATEGIC CONTEXT

Paragraph 2.2. – Updated that the Regulator of Social Housing's Neighbourhood and Community Standard 2024 places a requirement on the Council, as a social housing landlord, to have a policy on how it works with relevant organisations to deter and tackle anti-social behaviour where it provides social housing. There is also a requirement to clearly set out the approach for how hate incidents are deterred and tackled.

Reference to responsibilities to investigate complaints that could be a 'statutory nuisance' under the Environmental Protection Act 1990 has been removed but is covered under section 4.4.1.

Paragraph 2.3. – Added the following to the existing list of relevant legislation, statutory guidance, regulation and protocols:

- Control of Pollution (Amendment) Act 1989
- Criminal Justice and Public Order Act 1989
- Criminal Justice Act 2003
- Litter (Animal Droppings) Act 1990 (as amended)
- Highways Act 1980
- Refuse Disposal (Amenity) Act 1978
- Racial and Religious Hatred Act 2006
- Neighbourhood and Community Standard 2024
- Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018
- Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005

Removed the Coronavirus Act 2020 from the list as the relevant temporary provisions within the Act have expired.

Paragraph 2.4.3. – Added the following to the existing list of relevant Housing Service strategies, policies and procedures:

- Domestic Abuse Housing Strategy
- Neighbourhood Management Policy
- Concern Card Procedure

Paragraph 2.4.4. – As this is not a strategy, policy or procedure, reference to the NoiseApp has been removed from the existing list of Environmental Health Service relevant documents.

Paragraph 2.4.5. – Added the Lone Working Policy to the existing list of relevant Corporate strategies, policies and procedures.

SECTION 3 – POLICY STATEMENT

No proposed changes to this section.

SECTION 4 – ROLES AND RESPONSIBILITIES

Paragraph 4.2.1. – Reference to the Community Safety Unit making full use of powers under licensing legislation to ensure that licensed premises are well managed has been removed as licensing is a separate team to the Community Safety Unit.

Paragraph 4.3.1. – New paragraph explaining how the Environmental Enforcement Team plays a vital role in maintaining a clean and safe environment in the borough by providing information and advice to individuals regarding the law, regulations, duties and responsibilities. Appropriate enforcement action is taken to challenge anti-social behaviour and to ensure that those individuals and/or businesses that spoil the environment for others are accountable for their actions. They also take responsibility for dealing with environmental crime and the effects of this type of anti-social behaviour.

Paragraph 4.3.2. – New paragraph explaining that the Environmental Enforcement Team deal with all environmental offences for which delegated powers have been provided and at present their main scope of activity is directed toward offences that include, fly tipping, litter and littering from vehicles, waste duty of care, waste carriers and their licences/waste transfer notes. The team will deal predominantly with those higher level offences that may require a protracted investigation and that may result in a charge/summons, preparation of a detailed legislation compliant case file and placed before the Courts. They will also, if required, make provisions for the issue of a Criminal Behaviour Order.

Paragraph 4.3.3. – New paragraph explaining that Park Rangers have delegated powers to deal with environmental related offences and any breach of a Public Space Protection Order (PSPO) and are authorised to issue Fixed Penalty Notices (FPNs).

Paragraph 4.3.4. – New paragraph explaining that the Environmental Enforcement Team, supported by Park Rangers, deal with all unauthorised encampments (UEs) that may site themselves illegally on Council land and Kent County Council land within the borough. Park Rangers also deal with all reports of fly grazing of horses on Council land.

Paragraph 4.3.5. – New paragraph explaining that to supplement the Council's own environmental enforcement capability, the Council has contracted with Kingdom/LAS to provide environmental and anti-social behaviour patrols across the borough to support its local community. They are authorised under Council delegated powers to identify and take action (through the issue of FPNs, for environment related crimes that include, fly tipping (low level and residential), trade waste, dog fouling, litter, graffiti, and fly posting. In addition, they provide a Waste Watch Camera Service, at 5 x specific locations throughout the borough, for fly tipping, littering and nuisance vehicle prevention, reduction and enforcement. Officers also deal with any breach of the Town Centre PSPO and are delegated to issue FPNs for anti-social behaviour nuisance (includes vehicles), alcohol and drugs.

Paragraph 4.4.1. – Clarification added that the Environmental Health Service has a legal responsibility under the Environmental Protection Act 1990 to decide if noise and nuisance complaints are causing a statutory nuisance. If an issue is not deemed to be a statutory nuisance, consideration will be given as to whether an issue can be dealt with under anti-social behaviour legislation.

Paragraph 4.5.7. – Updated that the Council's choice based letting allocations scheme housing banding system uses Bands A to D. Reference to Band E has been removed from the policy as it is no longer used under the housing allocations scheme.

SECTION 5 – PARTNERSHIP WORKING

No proposed changes to this section.

SECTION 6 – WHAT IS ANTI-SOCIAL BEHAVIOUR?

Paragraph 6.5.3. – New paragraph explaining that any criminal offence can be a hate crime if it was carried out because of hostility or prejudice based on disability, race, religion, transgender identity, or sexual orientation. Criminal offences can include, for example:

- physical assault
- verbal abuse
- criminal damage to property or possession
- harassment
- sexual assault
- theft
- fraud
- burglary
- hate mail
- online abuse
- displaying or circulating discriminatory literature or posters
- graffiti
- arson

Paragraph 6.5.4. – New paragraph explaining that an individual may identify with more than one protected characteristic; and may be victim of more than one hate crime. It is possible for a hate crime to have more than one motivating factor (for example, an offence may be motivated by hostility towards both the victim's race and religion).

Paragraph 6.5.5. – New paragraph explaining that a person does not have to be a member of the group at which the hostility is targeted.

In terms of referencing misogyny, the Government has accepted the Law Commission's recommendation that misogyny should not be made a hate crime. This was based on a lack of consensus on how the proposal would work, and what the benefits might be. Considering that the experimental collection of sex/gender based hostility crimes has not been taken forward into official hate crime statistics and that this remains outside of hate crime legislation, reference to this being recorded by the Police on an experimental basis has been removed from the policy.

Paragraph 6.5.6. – Added that in relation to the definition of hate incidents, not all hate incidents will amount to criminal offences, but it is equally important that they are reported as the Police and the Council can work with partners to try and prevent any escalation in seriousness.

Paragraph 6.5.8. – New paragraph explaining that that all reports of hate crime and hate incidents are categorised as serious and will be treated as high priority.

Paragraph 6.6.8. – New paragraph explaining that that the Council has developed a Domestic Abuse Housing Strategy which sets out a plan and policy statement for how the Housing Service will assist and support victims and survivors of domestic abuse.

Paragraph 6.6.9. – New paragraph explaining that all reports of domestic abuse are categorised as serious and will be treated as high priority.

SECTION 7 – WHAT IS NOT CONSIDERED ANTI-SOCIAL BEHAVIOUR?

Paragraph 7.1. – Added the following to the existing list of behaviour that would not normally be considered anti-social behaviour:

- Young people gathering socially unless they are being intimidating or causing a nuisance.

Clarified that normal levels of noise transference from one property to another can be, for example, from opening and closing doors.

SECTION 8 – HOW TO REPORT ANTI-SOCIAL BEHAVIOUR

Paragraph 8.1. – Added that all reports of anti-social behaviour will be recorded on the relevant database by the team that takes the lead on the issue. Outcomes will also be recorded including the actions taken and by which officer.

Paragraph 8.4. – Added details of how to contact the Environmental Enforcement Team.

Paragraph 8.9.2. – Added that matters of crime and/or anti-social behaviour can be reported to the Police using the online chat function.

Paragraph 8.9.3. – Clarified that reports of anti-social behaviour that constitute a criminal offence that include hate crime and domestic abuse relating to Council tenanted and leasehold properties, can be reported to the Housing Service in addition to the Police.

SECTION 9 – CATEGORISING AND RESPONDING TO ANTI-SOCIAL BEHAVIOUR

Removed a paragraph stating that “what may be perceived as low-level anti-social behaviour to some people could be considered as serious to other people where even incidents that appear minor in isolation can have a devastating cumulative impact when it is part of a persistent pattern of behaviour targeted at the most vulnerable”.

Action on each case is determined on its own individual circumstances. There will be some low-level reports that do not reach the threshold for taking legal action. However, in order to understand the cumulative impact that anti-social behaviour may be having, the policy does clarify in paragraph 9.1.1 that an assessment on the seriousness of a report will consider if the victim is vulnerable, as well as the persistence and pattern of the anti-social behaviour.

Paragraph 9.2.1. – Added the following to the existing list of actions that may be undertaken when investigating and gathering evidence on an anti-social behaviour case:

- Use of information about incidents recorded by Council tenants and leaseholders on the ASB app.

SECTION 10 – ACTIONS AND POWERS TO TACKLE ANTI-SOCIAL BEHAVIOUR

Paragraph 10.2.1. – In terms of prevention and early intervention measures, clarification provided that:

- Patrols – by Council staff include Town Centre Wardens, Park Rangers and Enforcement Team officers, who provide a visible presence in the community and gain useful information on problems in the area.
- Dartford Town Against Crime (DTAC) – maintain positive relationships with businesses that are signed up to the scheme, enabling additional support to businesses who suffer from crime and anti-social behaviour. Utilising the DISC database to report incidents and identify perpetrators.

Removed reference to the use of rapid deployment CCTV units, as the Council is no longer able to provide this due to restrictions and timeframes around the erection of cameras on column.

Paragraph 10.2.2. – Added the following to the existing list of preventative approaches that the Housing Service may use:

- Sensitive lets – may be considered, where appropriate, if a neighbourhood or community has been subject to serious and/or prolonged anti-social behaviour or hate-motivated behaviour.
- Tenancy sign-ups – ensures new tenants understand their rights and responsibilities and what will happen if they breach their tenancy conditions.
- Publicity and awareness raising – by sending a clear message of the Council's strong approach to stopping anti-social and hate-motivated behaviour and to encourage reporting
- Estate inspections – that can identify issues on housing estates, such as vandalism, rubbish, fly tipping and graffiti. With regards to offensive or hate-motivated graffiti, the Waste, Public Realm and Enforcement Service aim to remove this within 24 hours. For more information on estate inspections, please see the Neighbourhood Management Policy.
- Concern Card Procedure – outlines how the Council's repairs and maintenance contractors and the Council's Housing Maintenance Team can raise any concerns that they may have about the wellbeing of a tenant to the Tenancy Services Team.
- Resident involvement and engagement – such as community events and neighbourhood improvements, to help develop cohesive neighbourhoods and communities and promote positive relations between different groups.
- Understanding diversity – proactively working to improve the understanding of the diverse needs of residents.

Paragraph 10.2.3. – Added the following to the existing list of informal interventions that may be considered by the Housing Service:

- Management transfers – an urgent managed move may be arranged by the Housing Service on the basis that a Council tenant is not safe to remain in their current home due to reasons of domestic abuse, violence, harassment, intimidation, hate crime, or threats of violence likely to be carried out or other urgent management reason. For more information, please see the Housing Management Transfer Policy.
- Sanctuary Scheme – provides additional security measures to make it possible for victims of domestic abuse and/or harassment, to remain in their own homes, where it is safe for them to do so, where it is their choice, and where the perpetrator does not live in the accommodation. For more information, please see the Sanctuary Scheme Procedure.

SECTION 11 – SUPPORT FOR VICTIMS AND WITNESSES

Paragraph 11.2. – Added the following to the existing list of responsibilities of the officer investigating an anti-social behaviour case:

- To carry out risk assessments to assess the vulnerability of the victim.

Paragraph 11.3. – Added that the Housing Service encourages the use of an ASB app by tenants and leaseholders to record ongoing incidents.

SECTION 12 – CHILDREN AND YOUNG PEOPLE

Paragraph 12.2. – Reference to the Troubled Families Programme has been changed to Supporting Families Programme as the Troubled Families Programme was refreshed and relaunched in 2021 as the Supporting Families Programme.

SECTION 13 – VULNERABLE ADULTS

No proposed changes to this section.

SECTION 14 – EVALUATION AND CASE CLOSURE

No proposed changes to this section.

SECTION 15 – ASB CASE REVIEW (COMMUNITY TRIGGER)

No proposed changes to this section.

SECTION 16 – COMPLAINTS

No proposed changes to this section.

SECTION 17 – TRAINING

No proposed changes to this section.

SECTION 18 – DATA PROTECTION AND CONFIDENTIALITY

No proposed changes to this section.

SECTION 19 – EQUALITY AND DIVERSITY

Paragraph 19.3. – New paragraph explaining that a Customer Access Review has been undertaken to assess the equality impact the policy will have on affected persons with protected characteristics.

The review concluded that overall the policy is considered to have a positive equality impact as it provides a transparent, proportionate, fair and consistent approach to the approach to deterring and tackling anti-social behaviour that reflects the Council's commitment to equality of access for all residents and takes account of the needs of vulnerable people.

The review made recommendations to strengthen the information within the policy regarding the approach taken towards hate crime and hate incidents and by referring to the Domestic Abuse Housing Strategy, which have been incorporated into the policy.

SECTION 20 – MONITORING

Paragraph 20.2. – New paragraph explaining the policy contributes to the following Corporate Plan performance indicators:

- Number of reported anti-social behaviour incidents in the Borough by the Police

- Number of Community Protection Warnings issued
- Number of Community Protection Notices issued

Paragraph 20.3. – New paragraph explaining the policy contributes to the following Tenant Satisfaction Measures collected by the Housing Service:

- Satisfaction with the approach to handling anti-social behaviour
- Number of anti-social behaviour cases opened per 1,000 homes
- Number of anti-social behaviour that involve hate incidents opened per 1,000 homes

Reference to the Government’s intention to introduce a set of Tenant Satisfaction Measures which will include measures on social housing landlord’s handling of anti-social behaviour has been removed, as the Tenant Satisfaction Measures are now in force (as outlined above).

SECTION 21 – REVIEW

No proposed changes to this section.

APPENDIX 1 – SOURCES OF SUPPORT

New appendix added listing sources of support for people affected by anti-social behaviour, hate-motivated behaviour and domestic abuse.