

# **Croydon Council Anti-Social Behaviour Policy and Procedure**

November 2014

## **Croydon Anti-Social Behaviour Policy and Procedure**

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## **Dealing with Anti-social Behaviour (ASB)**

This Policy and Procedure details the London Borough of Croydon's approach to tackling anti-social behaviour. It includes processes and procedures around prevention and diversion, as well as taking enforcement action when other measures fail to stop the problem(s).

### **1. DEFINITION OF ANTI-SOCIAL BEHAVIOUR (ASB)**

Croydon has adopted the definition of Anti-social Behaviour (ASB) as detailed section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014. 'Anti-social behaviour' means behaviour by a person which causes or is likely to cause harassment, alarm or distress to any person, conduct capable of causing nuisance or annoyance to any person in relation to that person's occupation of residential premises or conduct capable of causing housing related nuisance or annoyance to any person.

There are many other forms of ASB that are not listed but which cause nuisance, annoyance, harassment, alarm and/or fear to which this Policy will also apply.

### **2. STATEMENT OF INTENT**

Croydon's intention is always to seek to resolve the causes of ASB and prevent reoccurrence. We will often explore informal resolution as the first option and give an opportunity to those causing problems the chance to stop the behaviour being complained about. In some cases where this proves ineffective, we will take formal action, including enforcement action to stop the behaviour.

### **Confidentiality**

Subject to the Council's statutory duties including under the Data Protection Act, Freedom of Information Act and Environmental Information Regulations, the Council will have regard to requests to maintain the confidentiality of information provided by complainants and the need, in specified circumstances, to obtain consent prior to sharing such information to any third party. An information sharing protocol and procedure will be put in place to ensure that the Council and other agencies are sharing and handling any such data in an appropriate manner. However, complainants will be encouraged to allow us to share information with other agencies including the Police, to ensure that the full range of civil and / or criminal legal action can be pursued and that appropriate levels of support can be put in place.

Croydon recognises that anti-social behaviour doesn't just take place on specific areas or estates or is only instigated by specific people or groups. It can occur anytime, anywhere with similar disruptive and distressing consequences. Croydon Council is also a landlord and has specific

management responsibilities for its own housing stock across the borough. Some of the interventions the council may use in respect of its own tenants may not always be open to use when dealing with ASB in the private housing sector.

### **3. TYPES OF ASB**

People's perceptions vary as to what amounts to anti-social behaviour. The following is not an exhaustive list but is illustrative of the types of issues which can give rise to anti-social behaviour concerns:

- 1) Noise nuisance
- 2) Verbal abuse / harassment / intimidation / threatening behaviour
- 3) Hate related incidents (harassment based on race, sexual orientation, gender, disability, religion or age)
- 4) Vandalism or damage to property
- 5) Pets and animal nuisance
- 6) Drugs / substance misuse / drug dealing
- 7) Alcohol related nuisance
- 8) Domestic abuse
- 9) Physical violence
- 10) Litter / rubbish / fly-tipping / graffiti
- 11) Vehicle nuisance
- 12) Misuse of communal areas
- 13) Prostitution / sexual acts / kerb crawling
- 14) Criminal behaviour (other than listed above)

Officers will decide what the appropriate actions should be based on the information / evidence they have when their initial investigation is complete.

Where criminal acts are established against a Council tenant or leaseholder formal action will be taken in respect of the breach of Tenancy or Leasehold Conditions. Croydon Council will also work with private landlords to ensure that appropriate action is taken to protect victims and the community.

### **4. CUSTOMER COMMITMENT**

For residents experiencing problems of ASB, there are a number of ways they can raise an issue through the council and get further advice regarding action. These include:

- in person by reporting it at Access Croydon or via Croydon's Contact Centre at Bernard Weatherill House;
- by phoning through the details on the council's 24 hour 'ASB Hot Line' (020 8726 6000);
- by emailing us on the council's web page ('ASB Complaints') or;
- by letter detailing the issues to the ASB Enforcement Team.

Croydon Council officers work to the standards outlined in the Council's Customer Commitment. This sets out and expands upon our promise that:

- You are treated as a valued customer
- We are professional and know what we are talking about
- We are open, honest and transparent
- We listen to you and act on what you tell us
- We spend your council tax wisely and provide value for money.

We aim to:

- Acknowledge every complaint we receive from either a complainant, partner agency or other party in connection with ASB within 3 working days
- Contact complainants regularly to update them on the progress we are making with their case. The regularity of such contact will be determined by the investigating case officer depending on the seriousness of the problem(s) reported
- Tell complainants when we feel there is no further action we can reasonably take (and explain the reasons why) when we are proposing to close their case
- Complete a questionnaire with the complainant when closing the case, to review any outcomes and obtain feedback about how their ASB complaint has been handled.

### **Referral Meetings**

Where necessary a 'Referral Meeting' (case conference) will be set up between the ASB Enforcement Team together with any involved internal or external partners. This will be managed in line with the agreed Information Sharing Protocol. At this meeting the specific ASB issues will be analysed in greater detail and discussion will take place to agree any action that should be taken before moving forward with formal or legal enforcement action. The only exception to this will be when delaying action in order to hold the case conference might prevent us from seeking or getting the most appropriate solution for example when victims are at risk of harm and immediate action is required.

### **Supporting Witnesses (including Risk Assessments)**

We understand that this can be a daunting prospect to report or provide witness evidence in respect of anti-social behaviour or other activities that may be unlawful, particularly when violence has been involved or threats of violence have been made. We are committed to working in partnership with the Police and Victim Support to arrange effective support for all those involved particularly the young and / or vulnerable. We will do everything in

our power to support witnesses who attend Court to give evidence in respect of ASB, including arranging visits to the Court before the hearing if necessary.

### **Closing Cases**

We will advise the complainant when and why we feel it is time to close their case and aim to seek the complainant's agreement. However, we reserve the right to close a case where there is no further action we can reasonably take, irrespective of whether the complainant agrees or not.

### **Evaluation and Review**

We will carry out a customer satisfaction survey (ASB Case Closure Questionnaire) once we have closed a case. This is so we can review the action we have taken to ensure that it was relevant and appropriate. We will also use this information to consider whether there was anything we could have done differently or better, and to ensure we have met the requirements of our policy.

### **Community Trigger**

The Community Trigger (also known as the case review) is a process which allows residents to ask the Council, Police or Housing Association to review their responses to complaints of ASB. The Trigger may be used if residents believe that no action has been taken as a result of them reporting ASB.

Victims (or someone on behalf of a victim) will be able to use the Community Trigger to demand action, starting with a review of their case. Agencies including councils, the police, local health teams and registered providers of social housing have a duty to undertake a case review when someone requests one and the case meets our locally defined threshold.

The Community Trigger can be used by a person of any age, and agencies should make it as accessible as possible to all victims.

### **The proposed Threshold for Croydon is as follows:**

- Where an individual has made a qualifying complaint to the Council, Police or a Registered Housing Provider within the Borough about three separate incidents in the last six months within the Borough and the Council considers there has been no action

The activation of the Community trigger will also take account of:

- the persistence of the anti-social behaviour
- the harm or potential harm caused by the anti-social behaviour
- the adequacy of response to the anti-social behaviour

When a request to use the Community Trigger is received, the Council must decide whether the threshold has been met and communicate this to the complainant. If the threshold is met, a case review will be undertaken by the

partner agencies. Agencies will share information related to the case in accordance with the Information sharing protocol, review what action has previously been taken and decide whether additional actions are possible. Once the case review has been completed the victim will be informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the complainant, including timescales.

The Community Trigger is separate from the Council's reporting and complaints procedures. Community trigger referrals will only be considered when the criteria identified above and the procedure are met. All other issues regarding reporting new or existing cases of ASB or to raise concerns regarding the way that the Council have handled a case should be dealt with separately as set out in this policy.

The draft local Community Trigger procedure is appended to this policy and sets out the specific processes that are proposed to be undertaken. There are a number of statutory requirements for the Community Trigger procedure including around accessing information and steps which are to be taken and these will be incorporated into the Community Trigger procedure adopted for Croydon.

### **Complaints procedure**

If a customer is dissatisfied with the service they receive they can also use the Council's Corporate Complaints Procedure which will generate a review into the actions that were taken in the case to ensure processes were properly followed. Details of how to complain are on the Council's website [www.croydon.gov.uk](http://www.croydon.gov.uk).

## **5. INFORMAL, FORMAL AND LEGAL REMEDIES WE USE TO DEAL WITH ASB**

We may take both formal and informal action in response to a complaint of ASB and we will decide the appropriate level of response on a case by case basis. The following contains some of the main actions that we will consider in managing ASB complaints.

Examples of informal actions include:

### **Mediation**

Croydon Community Mediation Service (CCMS) trains volunteers to work with individuals and groups of people experiencing conflict to help them find their own agreed solution to the difficulties being experienced. Council officers may also try to bring parties together for to try and resolve matters informally.

### **Restorative Justice**

In a similar way, Restorative Justice uses trained officers within the council to work through areas of conflict with people to help them find their own agreed solution to the difficulties being experienced.

### **Informal Warning**

This will usually take the form of a meeting where incidents of ASB are discussed. In deciding to use a verbal warning, the officer should still consider the evidence. For instance, the officer should have reason to believe that the anti-social behaviour has occurred, or is likely to occur, and that the individual's behaviour could be considered to be unreasonable. In issuing a verbal warning, the police, council or housing officer should make clear to the individual what behaviour is causing the issue and what effect this is having on the victim or community and the consequences of non-compliance are explained clearly.

### **Warning Letters**

Informal Warning Letters may be issued to explain the problem behaviour, provide advice and request that it stops. If the behaviour continues a Formal Warning Letter may be issued specifying the behaviour of concern and to warn of the legal action(s) that will be taken unless the behaviour stops. As with a verbal warning, a written warning should contain specifics about what behaviour has occurred and why this is not acceptable, including the impact on any victims or local community. As provided for in the information sharing agreement and protocol between the relevant agencies, local agencies should alert each other that the warning has been given so that it can be effectively monitored. Each agency shall ensure that it keeps a record of any verbal or written warning given so that it may be used as evidence in court proceedings if required.

### **Acceptable Behaviour Contracts (ABCs)**

ABCs are an effective and valuable part of our prevention, diversion and behaviour change agenda for use with young people as well as adults – including those with diagnosed mental illness. An ABC will be signed by the perpetrator in the presence of a council officer, the Police and / or other partner working with the person(s) being asked to sign. Where there are capacity issues with the person being asked to sign the Council will ensure that an appropriate adult is involved in the process. An ABC sets out conditions which the perpetrator is expected to abide by and is often a precursor to legal or enforcement action through the Courts. Legal action can be pursued when there are serious and persistent breaches of the ABC and a copy of the ABC will be used as evidence at Court. Perpetrators who decline to sign the ABC will be issued with a copy of the Conditions that the Council expect to be met. If these are breached the Council will consider legal remedy.



Where ASB is being caused by a child under the age of 10, parents may be asked to sign a Parenting Agreement to demonstrate their commitment to supervising their child's behaviour change and to avoid further action.

Examples of formal responses include:

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

If you are a council tenant causing ASB, a NOSP may be served when there is sufficient evidence that the relevant clauses of the council's Tenancy Conditions have been breached. A NOSP is the first stage in the legal process to bring a **secure tenancy** to an end and when necessary, evict the perpetrator. A NOSP may be served by the Tenancy Officer but in many cases of repeated ASB is more likely to be served by an ASB Enforcement Officer.

If the ASB continues after a NOSP has been served the next stage in the enforcement process is to instruct our in-house legal team to request a court hearing. When we do this, we will advise the complainant and any other witnesses/victims involved.

### **Notice to Quit (NTQ)**

An NTQ will be served when there is evidence that the relevant clause(s) of the council's Tenancy Conditions has been breached. An NTQ brings a **non-secure tenancy** to an end.

At the end of this period if the ASB is continuing we will instruct our legal team to request a possession hearing. When we do this, we will write to the complainant and any witnesses/victims setting out what we intend to do.

Unlike a secure tenant, a non-secure tenant cannot appeal against the council's right to be granted a possession order. However, we will write to the person(s) being complained about so that they can attend the court hearing and give their side of events.

### **Possession Action**

When the perpetrator of the ASB is a Croydon council tenant we can apply to the County Court for a Possession Order to evict them from their home under the powers contained in the Housing Acts 1985 and 1996. If the Court grants such an order it will usually lead to eviction.

When we evict a household because of documented anti-social behaviour, we will seek to exclude every member in that household from joining Croydon's Housing Register as provided for in Section 14(7)7 of the Homelessness Act 2002. This may mean that any person who may have been involved in perpetrating ASB will not be eligible for rehousing by this Council.

## **Absolute Ground for Possession**

This applies to Councils and Housing Associations and private rented sector landlords. This is grounds for possession of a property under Section 94 of the ASB Crime and Policing Act 2014, Section 84A and s 85ZA of the Housing Act 1985 and section 7A of the Housing Act 1988.

The ground for possession allows the Council and other landlords to swiftly evict the most anti-social tenants and offer protection and faster relief to victims. Eviction using this power can be pursued if a tenant:

- Has been convicted of a serious offence
- Has breached an Injunction
- Has breached a Criminal Behaviour Order
- Has had their property subject to a Closure Order for more than 48 hours
- Has breached an Abatement Notice in relation to statutory nuisance under the Environmental Protection Act 1990

## **Legal Undertaking**

A legal undertaking is a signed undertaking (or promise) by the alleged perpetrator to the court. If the alleged perpetrator breaches the undertaking it is treated as contempt of court and could result in them being sent to prison.

## **Forfeiture Proceedings**

If you either own the lease to your flat or are a Croydon council leaseholder, your Leasehold Conditions are likely to contain clauses regulating your behaviour and the behaviour of anyone living in your leasehold property and their household members including children and visitors. If we need to take legal action, this will usually include Forfeiture Proceedings and we will inform your Mortgage Lender. Forfeiture is similar in outcome to eviction and if successful will result in the leaseholder losing both their home and their mortgage payments up to that point.

## **Injunctions**

An Injunction is a civil remedy that is obtained through the County Court, High Court or Youth Court under section 222 of the Local Government Act 1972, the Anti-social Behaviour, Crime and Policing Act 2014, or other legislation. A civil injunction can include both prohibitions (which require a respondent to refrain from doing something) and positive requirements (where the respondent may be required to take certain steps or participate in specified activities). The Council will work with partner agencies who now have the power to apply for Injunctions, such as, the Police, Housing Associations, the NHS and Transport for London (TFL).

## **Criminal Behaviour Orders**

When someone is convicted of a criminal offence related to ASB, the Police (via the Crown Prosecution Service / CPS) or the Council (if they are a party to the proceedings) can immediately ask the Magistrate or Judge to make Criminal Behaviour Order at the same hearing without the need to having to institute separate proceedings. A Criminal Behaviour Order can include both prohibitions (which require a respondent to refrain from doing something) and positive requirements (where the respondent may be required to take certain steps or participate in specified activities).

## **Premises Closures**

Under the Anti-Social Behaviour, Crime and Policing Act 2014, the Council can apply to the Magistrates court to close a premises on the grounds that there has been disorderly, offensive or criminal behaviour on the premises or where the use of the premises has resulted in serious nuisance to members of the public or where there has been disorder near the premises associated with the use of the premises. The Court can also be asked to close premises where this type of behaviour has not yet occurred but is likely to occur.

## **Use of CCTV and Directed Surveillance**

In appropriate circumstances we will use surveillance, CCTV or other recording equipment such as a Digital Noise Recorder to record acts of ASB particularly those relating to unsocial or noisy neighbours. We make decisions about using these tools depending on the type of ASB being complained of and with due regard for the provisions of the Regulation of Investigatory Powers Act 2000 – Part II - Application for Authority for Directed Surveillance, sometimes referred to as RIPA.

RIPA legislates for the use by local authorities of covert methods of surveillance and information gathering to assist the detection and prevention of crime in relation to an authorities core functions. Evidence obtained by any covert surveillance or use covert human intelligence sources could be subject to challenges under Articles 6 (right to a fair trial) and 8 (right to a private and family life) of the European Convention on Human Rights (ECHR) - the right to respect for private and family life. However, properly authorised covert surveillance under RIPA makes lawful what might otherwise be a breach of Articles 6 and 8 of the ECHR and protects the Council from any civil liability.

To ensure compliance all covert directed surveillance, and use of covert human intelligence source (CHIS), falling within the scope of the Act, carried out by officers of the Council or contractors acting on the Council's behalf, must be properly authorised by an Authorising Officer. It must be remembered that the Council is required to seek Judicial Approval before an authorisation can take effect. This is in addition to getting authorisation from one of the Council's Authorising Officers.

Further the use of directed surveillance under RIPA is limited to the investigation of crimes only; which attract a 6 month or more custodial sentence, (with the exception of offences relating to the underage sale of alcohol and tobacco).

Please refer to the Council Policy "Regulation of Investigatory Powers Act, Corporate Policy & Procedures" for further information.

### **Use of Council owned Public Safety CCTV**

Any use of Council's CCTV for purposes of 'surveillance' undertaken to provide evidence in respect of ASB matters, will be carried out with regard to the Council's Policies on their use, Regulation of Investigatory Powers Act, Corporate Policy & Procedures and the Codes of Practice issued by the Home Office and that of the Information Commissioner.

There are a variety of other powers available to address ASB in areas where particular behaviour is prevalent and where action against named individuals is not the most effective response. This includes behaviour that may involve groups of people and requires additional police or local authority powers in order to deal with the behaviour quickly. Examples of the powers available include:

### **Community Protection Notice**

The community protection notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. This can include anti-social behaviour, noise and environmental issues. The Council will take reasonable steps to halt the behaviour before the issuing of a formal notice including a written warning. Police, council or social landlords are able to issue CPNs as warnings to individual or business if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

A CPN can only be issued once the appropriate statutory written warning has been issued to the person responsible pursuant to the Act and there has been a failure to rectify the behaviour complained of despite being given sufficient time to do so and it is considered that it is reasonable to impose the requirements set out in the CPN.

A CPN may be issued against any person aged 16 or over or a body, including a business. Where a body is issued with a CPN, it will be issued to the most appropriate person as prescribed in the Act. The issuing officer will have to be able to prove that the person issued with the CPN can be reasonably expected to control or affect the behaviour. The CPN can be

handed directly to the person in question or it could be posted to them. In circumstances where the owner or occupier cannot be determined, the issuing officer can post the CPN on the premises and it is considered as having been served at that point. In that scenario, the issuing officer would need to demonstrate that reasonable enquiries had been undertaken to ascertain the identity of the owner or occupier, for instance, checking with the Land Registry.

Each CPN will include a period of notice for the individual or body to deal with the matter. It will be for the issuing officer to decide how long is allowed on a case by case basis. For instance, in an example where a garden is to be cleared of waste, several days or weeks may be required to enable the individual to make arrangements. However, where an individual is playing loud music and they have failed to stop following the issuing of a written warning the officer could require the behaviour to stop immediately.

Failure to comply with a CPN is an offence. Where an individual, business or organisation fails to comply with the terms of a CPN, a number of options are available for the Council as follows:

- FPN
- Remedial Action e.g. works in default
- Forfeiture or seizure of items e.g. music equipment
- Prosecution in Court

Authorised officers will make decisions on the best course of action following a breach given the circumstances of the situation. It is expected that FPNs will be used to discharge liability for an initial offence in all circumstances unless there is a serious breach and that it is in the public interest not to do so. However, failure to comply with any of the requirements of a court order constitutes contempt of court and could lead to a fine or custodial sentence.

Anyone issued with a CPN has the opportunity to appeal within 21 days of issue. Appeals are heard in a magistrates' court and the notice will provide detail of this process.

### **Public Spaces Protection Order**

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The Council is responsible for making a PSPO although the police also have enforcement powers.

The council can make a PSPO on any public space within its own area and can be made if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Before making a PSPO, the council must consult with the local police. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discuss the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted. In Croydon recommendations for PSPOs will be discussed and agreed by the Council following discussion and recommendations at the Joint Agency Group.

The council must also consult whatever community representatives they think appropriate. This could relate to a specific group, for instance the residents association, or an individual or group of individuals, for instance, regular users of a park. Before the PSPO is made, the council also has to publish the draft order in accordance with regulations published by the Secretary of State.

There are also further consultation requirements where access is to be restricted to a public right of way under a PSPO. This includes notifying potentially affected persons of the possible restrictions. This could include people who regularly use the right of way in their day to day travel as well as those who live nearby. Interested persons should be informed about how they can view a copy of the proposed order, and be given details of how they can make representations and by when. The council should then consider these representations.

A single PSPO can also include multiple restrictions and requirements in one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead.

The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point.

At any point before expiry, the council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate.

The new PSPO can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a particular public space. However, if a new issue arises in an area where a PSPO is in force, the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions. As well

as varying the PSPO, a council can also seek to discharge it at any time. For instance when the problem has ceased to exist or the land ceases to be classified as a public space.

It is an offence for a person, without reasonable excuse, to:

- do anything that the person is prohibited from doing by a PSPO or
- fail to comply with a requirement to which the person is subject under a PSPO.

The breach of a PSPO is a criminal offence. However, depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, PCSO, council officer or other person designated by the council. In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence. However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the PSPO).

A challenge to the PSPO may be made in the High Court by anyone who lives in, regularly works in, or visits the area which the PSPO covers within six weeks of it being issued.. This means that only those who are directly affected by the restrictions have the power to challenge. A further right of appeal is available each time the PSPO is varied by the council.

**In addition to the powers available to the Council there are other powers that are available to the police that are relevant to this policy. These include the Community Remedy and Dispersal orders details of which are set out below.**

### **Community Remedy**

The Community Remedy is a police managed process that gives victims of low-level crime and anti-social behaviour a say in the punishment of perpetrators out of court. Although this is managed by the police the Council may make recommendations for use of the community remedy to the police on specific cases. The process for using the Community Remedy can be used when someone commits a low-level crime or anti-social behaviour and they have admitted to the offence.

The list of potential community remedies include:

- mediation (for example, to resolve a neighbour dispute);
- a written or verbal apology;
- the perpetrator signing an Acceptable Behaviour Contract – where they agree not to behave anti-socially in the future – or face more formal consequences;
- take part in a restorative justice activity such as a neighbourhood justice panel;

- paying an appropriate amount for damage to be repaired or stolen property to be replaced;
- participation in structured activities that are either educational or rehabilitative; or
- reparation to the community (for example, by doing local unpaid work for a short period).

### **Dispersal Orders**

The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. The power is preventative as it allows an officer to deal instantly with someone's behaviour and nip the problem in the bud before it escalates. In areas where there are regular problems, the police force should work with the local council and other partners to find sustainable long-term solutions. In all instances, the impact on the local community should be considered before using the dispersal power.

The dispersal power can be used by police officers in uniform. Police Community Support Officers (PCSOs) can also use this power if designated by their chief constable. Use of the dispersal power must be authorised by an officer of at least the rank of inspector before use and can be used for up to a period of 48 hours. The inspector (or above) must record the authorisation in writing, specifying the grounds on which it is given and sign the authorisation.

## **6. WORKING IN PARTNERSHIP**

We have found that by working in partnership with other key agencies and internal departments we have been able to not just form strong alliances but have increased our effectiveness in tackling ASB within the borough.

### **The ASB Forum**

The ASB Forum is multi-agency meeting for practitioners that meets monthly. The forum discusses new and ongoing ASB cases and monitors the effectiveness of the interventions in place. The forum is also used as a network to share good practice amongst statutory, voluntary and community services and Registered Social Landlords.

### **The Joint Agency Group (JAG)**

The JAG is a multi-agency problem solving group tackling anti-social behaviour. Member agencies include, Police Neighbourhood Cluster Inspectors, Youth Offending Services, Youth Outreach, West Minster Drug Project (outreach services for individuals displaying anti-social behaviour linked to alcohol and / or drugs) Croydon Connected (multi-agency gang team) Noise Team, Council and Police ASB Team, Safer Transport Teams, Transport for London, Fire Service, UK Border Agency and Neighbourhood Watch. Each problem location identified is dealt with by a dedicated team, responsible for pulling together short term action plans based on problem solving techniques. The group has responsibility for recommending Public



Space Protection Orders (PSPO) and will review the use of dispersal powers locally.

## **7. PUBLICITY**

We will consider publicity when consulting on ASB enforcement action. In cases where we believe it will help reassure residents and assist the police in managing an Order, we may release details of any perpetrator found guilty by the courts, to either our Press Office and the local media or include the information and image on a publicity leaflet. Any such discussion will take into account each individual's circumstances and the likely impact that such publicity may have on that person. One of the principles behind such information sharing is to help identify those who may be involved in committing further acts of ASB or crime and to prevent, deter and reduce the fear of crime in our communities.

We may publicise action taken and orders sought in respect of young people if this is considered to be appropriate in the circumstances.

We reserve the right to publish details of successful enforcement or prevention and diversion actions where this is judged to be in the interests of the general public. Any such decisions will be made with due regard for the Council's duties under the Data Protection Act, Freedom of Information Act and associated regulations.

## **8. DEFINITIONS**

In the context of our ASB Policy and Procedures, when we use the following words, this is what we mean:

### **Harassment**

Harassment is behaviour that is abusive to individuals or groups and which is deliberate. Harassment may be directed against an individual, family or group of people. It is often motivated by prejudice against the characteristics of the individual or group. For example sexual harassment is the interference with a person's comfort or safety on grounds of their gender or sexuality. To distinguish harassment from domestic violence, the harasser is not usually a person with whom the complainant has previously been associated.

### **Racial Harassment**

This is when unwanted behaviours are linked to your skin colour, race, cultural background or nationality. This can take many forms including non-verbal, verbal and physical. Examples include but are not limited to; derogatory name-calling, spitting, insults and racist 'jokes', physical threats, damage to property, offensive written / visual material including graffiti or vandalism, criminal damage, threatening behaviour and physical violence.

### **Disability Harassment**

This consists of undignified treatment, ridicule or exclusion of people with disabilities whether physical or mental. It includes but is not limited to; undue pressure or intimidation, impractical or unfair expectations, offensive language, name calling or 'jokes', hostility towards removing barriers for disabled people.

### **Sexual Harassment**

This is when unwanted behaviours are linked to someone's gender or sexual orientation thus involving unwanted sexual attention. Some examples include but are not limited to; remarks, stereotypical jokes, looks, offensive language, provocative suggestions and innuendo, deliberate and uninvited physical contact and suggestive comments or body language.

### **Prevention / Diversion**

Prevention is to prevent individuals or groups of people who are at risk of becoming involved in ASB and / or criminality from doing so. Prevention is also a way of helping individuals or groups of people from repeating the behaviour.

Diversion is the provision of activities or interventions which provide alternatives for individuals or groups of people who are involved in committing acts of ASB or criminality so that they can be given an opportunity to behave differently.

### **Risk Assessment**

We have a responsibility to and for our customers and staff. This means we will always consider the consequences of decisions we make and any actions we take in order to make a balanced decision.

### **Vulnerability**

However, we recognise that working with people is unpredictable and this means that there will be times when irrespective of the precautions we have taken, unexpected or unplanned occurrences may take place. Our staff are trained to work with other statutory and voluntary agencies in order to ensure the needs of our vulnerable complainants and perpetrators (alleged or proven) are considered. We will share concerns about any safeguarding issues promptly with the relevant agencies including Social Services and will work closely with those agencies throughout any investigation / the taking of any action. However, vulnerability in itself will not prevent officers from taking action to bring an end to complaints of anti-social behaviour. Adults living in Croydon are responsible for their own behaviour as well as the behaviour of family members living with them and those who visit their property. This extends to all adults including the elderly and those who may have vulnerability issues such as mental health problems.

## **Tenure**

This means the type of tenancy or rental agreement you have with your landlord. In Croydon these are usually restricted to Secure Tenancy, Non-Secure Tenancy and Council Leasehold.

## **FURTHER INFORMATION, TRANSLATIONS AND OTHER FORMATS**

The Council offers a translation and interpreting service. More details of this can be found at the following link:

<http://www.croydon.gov.uk/business/interpretation-translation/about-ctis>

*Or by visiting:  
Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA  
Tel: 020 8726 6000*

## The Community Trigger Process

## Appendix 1

### What is the Community Trigger?

The Community Trigger (also known as the ASB Case Review) is a process which allows members of the community to ask the Council, Police, Clinical Commissioning Group or Registered Social Landlords within the Borough (called “relevant bodies”) to deal with persistent anti-social behaviour (ASB). The Trigger cannot be used to report new incidents of ASB. You can activate the trigger if you have made an application for a ASB Case Review as provided for in this process and you meet the threshold for a review as set out below. For the purposes of the Community Trigger anti-social behaviour includes conduct that has caused, 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, or conduct capable of causing housing related nuisance or annoyance to any person.

The Trigger is designed to ensure that the relevant bodies work together to try and resolve any reports about anti-social behaviour. This process sets out how we as the relevant bodies within Croydon will do this including by setting out the review procedures as required by statute. We will be discussing the problem, sharing information and using our knowledge and resources to reach an appropriate outcome.

The Community Trigger does not affect your right to use Croydon’s complaints procedure if you are dissatisfied with other Council services. Similarly, you will also have the right, where applicable, to complain to the Local Government Ombudsman or Independent Police Complaints Commission where you are dissatisfied with the actions of the relevant bodies.

### When can I activate the Trigger?

From 20 October 2014, the Community Trigger can be used to request a review of the handling of your anti-social behaviour complaints if you make an application for review as provided for in this process and meet the Threshold.

The applicable **Threshold** is that:

1. you have made three separate qualifying complaints to the Council, police, Clinical Commissioning Group and/or a Registered Social Landlord (Housing Association) regarding the anti-social behaviour to which the application for review relates within the Borough and the complaints have not been appropriately addressed or there has been no action taken.

The legislation sets out what will be considered to be a “**qualifying complaint**” to enable you to use the Community Trigger. The purpose of this is to ensure that necessary resources are directed towards dealing with current rather than historic matters. The legislation sets out the minimum levels which constitute a qualifying complaint, namely that:

- (a) the complaint is made within the period of one month beginning with the date on which the behaviour is alleged to have occurred, and
- (b) the application for an ASB case review is made within a period of 6 months beginning with the date on which the complaint is made.

### **How do I activate the Trigger?**

To activate the Community Trigger you can:

- complete an **on-line** form on the council's website: [www.croydon.gov.uk](http://www.croydon.gov.uk)
- email [CommunityTrigger@croydon.gov.uk](mailto:CommunityTrigger@croydon.gov.uk)
- call us on 0208 726 6000 and ask about activating the Trigger or
- write to us at: London Borough of Croydon,  
Anti-Social Behaviour Team,  
Bernard Weatherhill House,  
8 Mint Walk,  
Croydon, CR0 1EA

### **What information do I need to provide to activate the Trigger?**

If you decide to request a Community Trigger you will need to provide the following information:

- The dates of each time you have made reports of ASB in the last 6 months
- Details of where you reported the ASB incidents(name, organisation, reference numbers)
- Information about the anti-social behaviour that is affecting you
- Details of anyone else that the anti-social behaviour is affecting

### **What can I expect?**

Once you have requested the Community Trigger, and provided you meet the Threshold, bodies involved will be asked to provide details of your complaints made to them and actions they have considered and taken. If your complaints are not qualifying complaints or an insufficient number of qualifying complaints have been made, you will not be able to use the Community Trigger and you will be advised accordingly and no review will be undertaken. If your complaints are qualifying complaints and are of a sufficient number then consideration of the matter will be undertaken to ascertain whether you meet the threshold for a review.

If the threshold for review is met, you will be notified of this fact and a Review Panel will be convened to review how your complaints have been dealt with and to work towards an appropriate solution to the issues you face. Following the Review Panel meeting, a response will be sent to you explaining the action taken and how the relevant agencies can attempt to resolve the anti-social behaviour.

## Reporting new incidents:

If you wish to report new incidents of anti-social behaviour please email your complaint to [ASBTeam@croydon.gov.uk](mailto:ASBTeam@croydon.gov.uk) or contact your Tenancy Officer if you are a Council Tenant.

In the event of any further incident(s) occurring, please call the police non-emergency 101 reporting line. If there is an immediate threat to your personal safety please call the police on 999.

## The Community Trigger Process for Croydon in detail:

### Residents can activate the Trigger using:

- Online form
- Emailing [CommunityTrigger@croydon.gov.uk](mailto:CommunityTrigger@croydon.gov.uk)
- By letter
- By phone

### Processing the Trigger Application

- Online forms will produce an automatic acknowledgement
- Acknowledgement letter will be sent within 3 working days outlining the process, what they can expect, by when (and by whom if possible)
- Request relevant bodies to provide information about their involvement/actions to date etc. within 20 working days

### Determine if complaints are Qualifying Complaints:

The legislation sets out what will be considered a 'qualifying complaint' for using the Community Trigger. Once the relevant bodies have provided details about their involvement/actions in relation to the matter, an assessment will be carried out to confirm that the complaints under consideration are qualifying complaints and that they are of a sufficient number – i.e. at least three. The qualifying complaint requirement will be satisfied if :

- All three instances of anti-social behaviour were reported within one month of the alleged behaviour taking place; and
- The application to use the Community Trigger is made within six months of the reporting of the instances of anti-social behaviour.

You will be notified of the outcome of this assessment and confirming whether your review has been triggered. If your complaints are qualifying complaints of a sufficient number, the matter will progress to the next stage of the process. If your complaints are not qualifying complaints, then the Community Trigger process is not engaged and no further action will be taken under the Community Trigger process. You should still however continue to report

instances of anti-social behaviour as recommended in the reporting new incidents section above.

### **Triage Stage:**

- If the Review process is activated Senior Officers from the relevant bodies will be notified immediately. An Initial review to be carried out by police ASB Team, Housing and or Private Sector ASB Teams and Safer Croydon Partnership to ascertain whether or not threshold is met.
- As provided for in the legislation, Threshold will automatically be met where you have made three separate qualifying complaints to the Council, police, Clinical Commissioning Group and/or a Registered Social Landlord (Housing Association) regarding the anti-social behaviour to which the application for review relates within the Borough
- If Threshold is not automatically met, an assessment may be undertaken to ascertain if your request for a review ought to be considered by a Review Panel. This assessment will take relevant considerations into account, which will include, but is not limited to the following considerations:
  - i. The persistence of the anti-social behaviour about which the original complaint was made;
  - ii. the harm caused or the potential for harm to be caused by that behaviour
  - iii. the adequacy of the response you previously received.

### **Is the Threshold met: Agreeing Met or Not Met Status**

- A standard template will be used at the initial review of the case
- After the initial review a report with executive summary will be prepared detailing whether the Threshold was Met or Not Met
- The report will be signed by the case reviewing officers
- If a Not Met decision is reached the relevant senior officers will be notified
- A letter will be sent to the customer notifying them of the outcome and who to address complaints to if they remain dissatisfied with the handing of the matter.

### **The Review Panel Reviewing where the Threshold is Met**

- The Panel will review with relevant agencies and make recommendations
- The Review Panel will be independent and will not have been involved in investigating the initial ASB report/s or assessing whether or not complaints are qualifying complaints or if Threshold has been met.
- **CASE REVIEW TO BE COMPLETED WITHIN 2 CALENDAR MONTHS FROM START TO FINISH**

**Hate Crime** will not be included in the Community Trigger unless at the triage stage it is established that the ASB is motivated by hate. Customers will be asked to direct reports of hate crime to the police. **Anonymous Reports** will not be actioned although they can be used for analysis purposes and a third party can activate the trigger

**Malicious or Vexatious Community Trigger requests will be rejected and Council may:**

- Use the malicious and vexatious complaints procedure
- Notify customer that we may report the M/V complaint to the police