

Croydon Council

Anti-Social Behaviour  
Policy and Procedure

Confidential

## Croydon Anti-Social Behaviour Policy and Procedure

## INTRODUCTION

As part of the Mayor's Business Plan for 2022 – 2026, there is a strong commitment to make Croydon a cleaner, safer and healthier place. Our priority is to tackle anti-social behaviour, knife crime and violence against women and girls so that Croydon feels safer.

Anti-social behaviour (ASB) disrupts the lives of many people within our communities, bringing distress and fear. Tackling ASB remains a high priority for the Council – it is critical for residents to feel safe in their homes and neighbourhoods.

We recognise that failure to tackle ASB effectively could substantially affect the lives of those individuals who are living with ASB and hinder the development of sustainable communities.

We take ASB very seriously, adopting a harm centred approach to case management; and we'll do all we can to help tackle it. We encourage communities to do the same. We use a range of preventative measures, early intervention, and legal action to tackle ASB. This includes the full range of tools and powers available to us as outlined in the ASB, Crime and Policing Act 2014. We also work closely with other partners such as the Police and registered housing providers to problem solve.

## **POLICY OUTCOME**

The aims of this policy are:

To tackle ASB efficiently and effectively in the London Borough of Croydon using appropriate and proportionate interventions.

To protect residents, prevent ASB and promote sustainable communities.

To encourage and develop partnership working with a variety of agencies and the Council's internal departments to prevent and reduce ASB.

To provide clear and consistent information about how we will respond to complaints of ASB.

## Why do we need a policy?

### **WHAT IS THE LEGISLATION**

The requirement to have a policy is set out at section 218 A of the Housing Act 1996 under section 218A: — Anti-social behaviour: landlords' policies and procedures

- (1) *This section applies to the following landlords—*
  - (a) *a local housing authority;*
  - (b) *a housing action trust;*
  - [(baa) non-profit registered provider of social housing;]]*
  - (c) *a registered social landlord.*
- (2) *The landlord must prepare—*
  - (a) *a policy in relation to anti-social behaviour;*
  - (b) *procedures for dealing with occurrences of anti-social behaviour.*
- (3) *The landlord must not later than 6 months after the commencement of section 12 of the Anti-social Behaviour Act 2003 publish a statement of the policy and procedures prepared under subsection (2).*
- (4) *The landlord must from time to time keep the policy and procedures under review and, when it thinks appropriate, publish a revised statement.*
- (5) *A copy of a statement published under subsection (3) or (4)—*
  - (a) *must be available for inspection at all reasonable hours at the landlord's principal office;*
  - (b) *must be provided on payment of a reasonable fee to any person who requests it.*
- (6) *The landlord must also—*
  - (a) *prepare a summary of its current policy and procedures;*
  - (b) *provide without charge a copy of the summary to any person who requests it.*
- (7) *In preparing and reviewing the policy and procedures the landlord must have regard to guidance issued—*
  - (a) *by the Secretary of State in the case of a local housing authority or a housing action trust;*

*[[(aa) by the Regulator of Social Housing in the case of a nonprofit registered provider of social housing; and]]*

*(b) by the [[Welsh Ministers]] under section 36 in the case of a registered social landlord.*

*(8) Anti-social behaviour is—*

*(a) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions, or*

*(b) conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.]]*

## **ADDITIONAL INFORMATION**

The section above imposes a requirement on local housing authorities, housing actions trusts and RSLs to have a policy and procedure on anti-social behaviour.

In preparing the policy and procedure, the landlord must have regard to any guidance issued by the Secretary of State.

Guidance for local authorities is set out in the Home Office Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals.

The policy and procedure must be reviewed and a revised statement published when the landlord thinks it appropriate.

The statement must also be made available for inspection by members of the public.

A summary of the policy and procedure must also be made available to anyone who requests it, without a charge: subs.(6).

## **KEY LEGISLATION**

To ensure that we take the appropriate action and consider the merits of the case, the key legal and regulatory information that informs and directs this policy includes:

- **The ASB, Crime and Policing Act 2014**, sets out tools and powers for housing-related behaviour which meets the threshold.
- **The Anti-social Behaviour, Crime and Policing Act 2014**: Anti-social behaviour powers Statutory guidance for frontline professionals as Revised in July 2025

- ***The Anti-Social Behaviour Act 2003*** which extends landlords' powers to deal with anti-social behaviour including developing the use of injunctions and demoted tenancies
- ***Housing Act 1985*** which provides mandatory and discretionary grounds for possession for anti-social behaviour for secure and assured tenants
- ***S.218 of the Housing Act 1996 (as introduced by S.12 of the Anti-Social Behaviour Act 2003)***, which requires housing associations to prepare a policy and procedure on ASB. The Act also gave housing associations powers to evict residents for harassment and to secure injunctions to prevent racial harassment.
- ***The Crime and Disorder Act 1998***, which places a duty on housing associations to work in partnership with the police and local authorities to tackle crime and disorder. It includes new offences and higher penalties for racist violence and harassment.
- ***The Human Rights Act 1998***, which requires us to take action that is reasonable and fair in response to the type of behaviours committed
- ***The Protection from Harassment Act 1997*** introduced two criminal offences: the offence of harassment and that of putting another person in fear of violence and intimidation. For both offences there must be a 'course of conduct', with at least two occasions of the conduct occurring.
- ***The Homelessness Act 2002***, which requires us to consider all other options before possession proceedings are pursued to prevent homelessness
- ***The Police and Justice Act 2006***, which requires housing associations to respond to local authority scrutiny committee reports and 'Community Calls for Action'
- ***Data Protection Act (DPA) 2018***: The DPA 2018 enshrines the General Data Protection Regulation (GDPR). It brings in stricter standards for when and how organisations including charities can contact people or process and store their data. It will allow the Information Commissioner's Office to levy fines of up to £17m or 4% of global turnover on organisations that breach the rules
- ***The Equality Act 2010***, which prohibits unlawful discrimination against the nine 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
- ***The Anti-Social Behaviour Crime and Policing Act 2014*** which streamlined existing powers to deal with anti-social behaviour including: civil injunctions; criminal behaviour orders; public space protection orders and absolute grounds for possession for secure and assured tenancies.

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## ANTI SOCIAL BEHAVIOUR

### **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.”*

### **STATEMENT OF INTENT**

Croydon’s intention is always to seek to resolve the causes of ASB and prevent reoccurrence. Residents have the right to live in their homes in peace free from fear, disturbance, distress and/or harm. Adopting a harm-centred approach to case management with our key partners.

### **ANTI-SOCIAL BEHAVIOUR PRINCIPLES**

Croydon has adopted and embedded the Home Office ASB principles into the policy and service. The principles seek to describe a consistent approach to understanding and addressing antisocial behaviour in local communities. The principles are not intended to fetter local decision making but rather to act as a guide in seeking to deliver the best possible outcomes for victims of antisocial behaviour.

1. Victims should be encouraged to report antisocial behaviour and expect to be taken seriously. They should have clear ways to report, have access to help and support to recover, and be given the opportunity to choose restorative approaches to tackling antisocial behaviour.
2. Agencies will have clear and transparent processes to ensure that victims can report antisocial behaviour concerns, can understand how the matter will be investigated and are kept well informed of progress once a report is made.
3. Agencies and practitioners will work across boundaries to identify, assess and tackle antisocial behaviour and its underlying causes. Referral pathways

should be clearly set out between services and published locally. This includes pathways for the anti-social behaviour case review and health services.

4. The public's antisocial behaviour concerns should always be considered both nationally and locally in strategic needs assessments for community safety. Best practice should be shared through a network of antisocial behaviour experts within each community safety partnership, each policing area and nationally.
5. Adults and children who exhibit antisocial behaviour should have the opportunity to take responsibility for their behaviour and repair the harm caused by it. Agencies should deliver appropriate interventions, which may include criminal justice options, based on the seriousness, risks and vulnerabilities of the case.

The Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals was Revised in July 2025. Further information can be found here:

<https://assets.publishing.service.gov.uk/media/68cacba7995dfd01bff0c027/2025%20ASB%20Statutory%20Guidance%20updates%20final%20version%201.pdf>

## **CONFIDENTIALITY**

Any information given to us in connection with a complaint of anti-social behaviour will be treated in confidence. The information provided will not be passed onto the person who is named in the complaint without the permission of the person who has provided the information.

At times, if we have permission to pass on the information to the person named in the complaint then they may be able to identify the person who provided the information.

## **ANONYMOUS REPORTING**

Sometimes a resident may wish their identity to remain confidential. We accept anonymous reports and review them based on the evidence available, including previous allegations received. In order to address the behaviour, the service will have to inform the alleged perpetrator of the reports received, whilst we may not name specific residents who have made the allegations, the alleged perpetrator may be able to identify the complainant due to the nature of the complaint. If we receive information that we cannot verify with a resident then limited action can be taken.

## **SAFEGUARDING**

If the service is informed of any safeguarding concerns then the service will alert the appropriate agency/partner in line with our safeguarding policies.

## **CRIMINAL BEHAVIOUR**

If the service is informed of any criminal behaviour then the service will alert the appropriate agency/partner such as the Police.

## **SUPPORT SERVICES**

During our investigation, if we believe that it would be beneficial to refer you to support services then we will seek consent to refer you to the relevant services.

## **HEALTH SERVICES**

During our investigation, if we believe that it would be beneficial to refer you to health services then we will seek consent to refer you to the relevant services.

## **INFORMATION SHARING**

The Council will comply with the requirements of the Data Protection Act 2018 and GDPR, which provide for us to share information where it is for the purpose of detecting and reducing crime and/or anti-social behaviour. This may include making an application to the police relating to matters which have been reported to us, where we either know or suspect the police may have been called and / or attended.

An information sharing protocol and procedure is in place to ensure that the Council and other agencies are sharing and handling any such data in an appropriate manner

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 remedies can be pursued and that appropriate levels of support can be put in place.

All records in relation to the service obtaining information will be stored, shared and retained in line with the General Data Protection Regulation (GDPR) guidance and Data Protection Act 2018.

Personal data will not be retained for longer than necessary in relation to the purposes for which they were collected.

Further information can be found on the corporate website: [Privacy and data protection | Croydon Council](#)

## EMPLOYEES AND/OR CONTRACTORS

We take any threats against our officers, partners, contractors and employees very seriously. Residents should not threaten, abuse, harass or assault any council officer, or any council contractor, nor damage or threaten to damage any vehicle or property belonging to our officer or our contractor's employee. Any such threats, damage, abuse, harassment or assault may constitute action.

## SCOPE

The scope of this policy applies to all residents, visitors (including those who work and learn), and key stakeholders within the London Borough of Croydon.

## TYPES OF ASB

People's perceptions vary as to what amounts to anti-social behaviour: based on how the behaviour is making someone feel coupled with individuals having different expectations, tolerances and perceptions. We understand that different people will be affected in different ways. By adopting a harm centred approach, the service will look at the behaviour type and the impact the behaviour is having.

As a result, we will review each report based on the experiences and personal circumstances of the complainant.

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 (loud Television or Music, late night visitors) \*
- 2) Verbal abuse / harassment / intimidation / threatening behaviour
- 3) Hate related incidents (harassment based on race, sexual orientation, gender, disability, religion age or other hate related incident)
- 4) Vandalism or damage to property (arson, graffiti, property neglect) \*\*
- 5) Pets and animal nuisance (persistent dog barking / fouling, smell, uncontrolled or dangerous dog, other pet or animal nuisance)
- 6) Drugs (substance misuse, drug dealing, evidence of drug use, other drug related incident)

- 7) Alcohol (alcohol misuse, street / public drinking, other alcohol related incidents)
- 8) Domestic abuse and sexual violence
- 9) Physical violence (assault and other physical violence)
- 10) Litter / rubbish / fly-tipping
- 11) Vehicle nuisance\*\*\*
- 12) Misuse of communal and public spaces (urinating, groups congregating in the area, aggressive begging, fly posting, congregation of items, intrusive CCTV) \*\*\*\*
- 13) Criminal behaviour (theft, gun crime, knife crime, hate crime, any other criminal incident)

*\* Noise arising from reasonable household activities and/or Lifestyle differences are not considered ASB (i.e. use of white goods, DIY in regular hours, children playing)*

*\*\* Garden maintenance may not be considered as ASB*

*\*\*\* Parking disputes may not be treated as ASB in isolation*

*\*\*\*\* Young people playing games on permissible areas or gathering in a group where there is no other associated ASB may not be investigated.*

An assessment of whether an incident is ASB will be made on a case-by-case basis depending on tolerances, perceptions and expectations.

Where criminal acts are established against a Council tenant or leaseholder formal action may 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.

If appropriate, behaviours that are not categorised as anti-social may be addressed under the Good Neighbour Agreement. We would also encourage residents to liaise with their neighbours to discuss their concerns if deemed appropriate. (appendix 1)

## **HATE CRIME**

Croydon Council adopts a zero-tolerance approach to all forms of hate crime. During our investigation, if it is perceived by the resident that the behaviour is motivated by hate, then the case will be investigated as a hate crime.

A hate crime is defined as '*Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.*'

Reports of Hate crime will be dealt with as high-risk cases of ASB.

## **DOMESTIC ABUSE**

Croydon Council actively encourages victims and survivors of domestic abuse to contact our services for help and support. Croydon Council have a separate policy in relation to Domestic Abuse and Sexual Violence as well as a Violence Against Women and Girls Action Plan.

We recognise that incidents of domestic abuse as well as safeguarding concerns may be reported as noise nuisance, loud noise, arguments and/or disturbances.

When such reports are received the teams will work closely with our domestic abuse service as well as relevant safeguarding teams to ensure that the safety of our residents is always at the forefront of our investigation.

## **CRIMINAL BEHAVIOUR**

If the service is informed of any criminal behaviour, then the service will alert the appropriate agency/partner such as the Police. The service may advise residents to report behaviour directly to the Police who can take action.

## **CUSTOMER COMMITMENT**

We want to deliver the best possible customer service to residents and to improve the quality of life for our residents. Services will be delivered in line with the council's customer service charter. [Our customer commitment | Croydon Council](#)

We promise to ensure that:

- You are treated as a valued customer
- We are professional and knowledgeable
- We are open, honest and transparent
- We listen to you and act on what you tell us
- We provide value for money

We will treat those who have been affected by ASB sympathetically and sensitively. We will endeavour to respond, investigate and take any necessary action promptly.

### **CUSTOMER FEEDBACK: COMPLIMENTS AND COMPLAINTS**

If resident would like to provide feedback on their experience of the service they receive, officers within the service have a feedback survey form on the e-signature that can be completed by residents throughout the investigation.

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).

### **VEXATIOUS AND PERSISTENT COMPLAINTS**

A very small minority of customers make or pursue complaints in a persistent or vexatious way which can either slow down the investigation of their complaint or can have significant resource issues for us.

The services will follow the Corporate's policy and procedure for persistent and vexatious complainants.

### **THE TENANCY TEAM**

The Policy applies to all occupancy types (e.g. leasehold, secure tenancies, shared ownership, licensees etc). Residents within these occupancy types can contact the tenancy service to report anti-social behaviour that they are experiencing. Residents are held responsible for the behaviour of their household, pets and visitors.

If an individual involved does not live in an occupancy type that is managed by the service, then they may liaise with relevant partners such as HA, RSL for further guidance.

### **THE ANTI-SOCIAL BEHAVIOUR TEAM**

If the behaviour experienced by a resident requires specialist intervention, then a multi-agency meeting will be arranged between the ASB Team together with any relevant 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. 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.

The meeting may result in the service providing guidance to the relevant partner about what steps they should consider.

In some cases, following the multi-agency meeting, the Anti-Social Behaviour team will take ownership of the case and lead on it. Not all cases of anti-social behaviour that is reported to the team will result in the team leading on the investigation. It will be the responsibility of the relevant agency to lead the investigation and take relevant action. The team are not responsible for ensuring that partners take the necessary action.

## **PARTNERSHIP WORKING**

We are committed addressing complaints of ASB by partnership working. The Local Authority will liaise and contact all relevant services to ensure we address the complaints we have received and challenge the behaviour taking place. Partnership working is an effective way of addressing the behaviour and resolving complaints. As part of our investigation and action, we will contact services who can assist us in preventing and stopping the anti-social behaviour. The service work with a variety of partners such as (*please note this list is not limited to*):

- The Metropolitan Police as well as other Police forces
- Solicitors
- Judges
- MPs
- Barristers
- Professional Witness Services
- Registered Providers
- Health Services
- Housing Departments
- Adult Social Care and other Departments

- Domestic Abuse Services
- Children's Department
- The Planning Department
- Social Services and Health
- Education department
- Criminal Justice Services such as Probation
- London Fire Brigade
- Housing Associations
- HMOs
- Property/Landowners
- Housing Trusts
- Community Organisations
- Residents Associations and Groups
- Landlords
- Substance and Alcohol services
- Support services
- Local Business Associations
- National and Regional groups

As part of the partnership working, the service may contact other divisions and/or organisations to obtain relevant information about the individuals involved in the case as well as check service interaction.

The service will complete the required disclosure requests for relevant services in order to obtain the information from partners.

If there are criminal or safeguarding concerns, then the services will liaise with the police regarding criminal behaviour as well as make referrals to the relevant safeguarding portals such as Adults safeguarding and children safeguarding.

If individuals are identified with support needs (E.g. Change Grow Live for substance misuse issues) then the service may contact them to discuss engagement.

Information sharing agreements between the local authority and the police are in place as well as sharing legislation centred around sharing of personal data with law

enforcement authorities for the prevention and detection of crime. Information is shared under the legislation listed above such as Crime and Disorder Act.

Throughout the period that the case is known to the service, there is the potential that multiple agencies will be investigating specific incidents (e.g. the police, in relation to matters that are criminal offences and environmental health in relation to matters which are noise related). It will be the responsibility of each organisation to lead on their specific investigation and to ensure that other partners are informed of relevant updates. At times, due to the nature of the complaint, partners will work together to ensure a multi-agency approach is adopted.

## **COMMUNICATION MESSAGING**

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.

Each case will be reviewed and the method and the extend of the publicity will be reviewed with the Communications and Media service.

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 public interest.

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.

## **SERVICE MONITORING**

We believe that the best way to improve services is by listening to the people who use them. The Customer Influence and Assurance Panel will oversee information that relevant to case that affect housing customers.

Further information about the work that is conducted by the Anti-Social Behaviour team and how the outcomes contribute towards the Community

Safety Strategy, will be reviewed as part of the annual Scrutiny & Overview Committee.

## ANTI SOCIAL BEHAVIOUR PROCEDURE

### **REPORTING ASB**

Residents, representatives, members of the community, partners, police and other agencies can report anti-social behaviour to the relevant agency such as the Housing Association, Council Tenancy team, landlord, property owner and/or management agency for the premises.

If residents approach the service, then they will be informed to contact the relevant agency.

Residents can also seek independent legal advice.

Residents within the occupancy types that are overseen by the Local Authority can contact the tenancy service to report anti-social behaviour that they are experiencing. If an individual involved does not live in an occupancy type that is managed by the service, then they may liaise with relevant partners such as HA, RSL for further guidance. If a resident who is within an occupancy type that is managed by the Tenancy team is involved, then the team will investigate.

Please note that Housing Associations, Registered Social Landlords will have their own ASB policy and landlords will have their own conditions of tenancy which contain information regarding anti-social behaviour. The service does not have copies of all policies, conditions of tenancy and leaseholders' agreement.

If you do contact us and we are not the right service to deal with your investigation, we will advise you to contact the relevant organisation and/or individual(s) who would be best placed to investigate your concerns. This could be the property owner, the housing association and/or possibly the Local Policing team.

### **MANAGING THE CASE AND SUPPORTING RESIDENTS**

If the case is managed by the Local Authority, we will:

- Identify any vulnerabilities through completing a Vulnerability Risk Assessment and be guided by the outcome of the assessment. The Risk assessment will be reviewed every four months.
- Follow safeguarding procedures
- Provide relevant advice and support
- Keep the victim/complainant updated on the progress of the case as agreed.
- Contact relevant services

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.

However, we recognise that there will be times when irrespective of the precautions we have taken, unexpected or unplanned occurrences may take place.

We understand that it 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 support services 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.

If the team are investigating the reports of antisocial behaviour, the team will aim to collect evidence which we would expect the complainant to assist with.

- Noise recording equipment
- CCTV footage
- Liaising with victims, witnesses and alleged perpetrators
- Responding to card drops in the local area

The team will:

- Contact partnership agencies

- Complete background checks
- Make relevant referrals to services
- Comply with any support arrangements agreed
- Review the case on a monthly basis with their manager

Action	Number of working days								
	1	2	3	4	5	6	7	8	9
Resident report ASB	x								
Acknowledgement of complaint*		x	x	x					
Completing a Vulnerability Risk Assessment *					x	x	x	x	x

*\*Please note, that depending on the report from the resident, the timeframe for responding maybe expedited due to the merits of the case.*

## PRIORITISATION AND RISK

We understand that different people will be affected in different ways. By adopting a harm centred approach, the service will look at the behaviour type and the impact the behaviour is having.

As part of the initial report of ASB, a Vulnerable Risk Assessment will be conducted. The purpose of the VRA is to identify any potential risks and to assist the team in their investigation to manage any identified risk. The form will be completed when each ASB case is opened and will be reviewed periodically.

Once the risk is identified, this will then impact the timescales and managed.

## EQUALITIES IMPACT ASSESSMENT

As part of the ongoing investigation, an equality act assessment will be completed if required. The purpose of the assessment is to record if any potential action being taken will have any implications for equality or is likely to affect a large number of people in a disproportionate way. Any information submitted by the residents will help to inform the review as well as any information that we obtain from partners.

## **EXPECTATIONS OF RESIDENTS**

Croydon Council and our partners do not expect resident to not commit anti-social behaviour.

If we are investigating complaints, we expect residents to fully co-operate with our investigations and provide relevant information promptly.

If residents wish us to take action, we expect residents to provide us with relevant information as well as support any action we take by assisting us (e.g. diary sheets, witness at court, witnessing breaches).

If residents are unwilling to provide us with information or co-operate with our investigation, then action may be limited.

Further information in relation to the expectations of residents can be found in the Conditions of Tenancy and/or leaseholders' agreement.

## **TAKING ACTION**

Where there is evidence of anti-social behaviour and the required standard of proof is provided to support our investigation, we will potentially progress taking action. It is our intention to stop the anti-social behaviour from taking place. The action that will be taken is dependent on the frequency of the behaviour, the impact of the behaviour, any vulnerability identified and previous behaviour exhibited as well as any other relevant information made available.

There are several tools and powers the Local Authority and partners have available to tackle anti-social behaviour. Depending on the seriousness of the behaviour exhibited, we may start with legal remedies if appropriate.

As the services have a harm centred approach to tackle anti-social behaviour, action will be decided based on the impact of the behaviour, type of behaviour, frequency of behaviour, level of cooperation, any previous action taken and other relevant factors. As a result, it may not be deemed appropriate to take an incremental approach by starting with non-legal action and progressing to enforcement action.

During interaction with residents, the service may ask residents to be part of the solution such as liaising with the identified perpetrator, if deemed appropriate, engaging with signposted services such as mediation and/or providing evidence.

There are also proactive measures that the services will take to stop anti-social behaviour occurring in the first place such as:

- Use of starter / introductory tenancies
- Providing information to residents at sign up
- Estate walkabouts
- Education and awareness raising
- Designing out crime and ASB to the physical environment

The following contains some of the main actions that we will consider in managing ASB complaints

a) Examples of preventative/informal measures the team may take include:

#### Mediation

Referrals to a mediation service maybe made where individuals and/or neighbours have conflict which may be resolved through finding an agreed solution. Households and residents within a block can be considered for referrals if deemed relevant.

#### 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 will 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 is unreasonable. In issuing a verbal warning, the police, council or housing officer should make clear to the individual what behaviour is causing the issue, what effect this is having on the victim or community, what is expected of the individual in terms of future behaviour, and the consequences of non-compliance will be explained clearly and documented in the case file.

#### 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 may be considered unless the behaviour stops. As with a verbal warning, a written warning will contain specifics about what

behaviour has occurred and why this is not acceptable, including the impact on any victims and/or the local community. As provided for in the information sharing agreement and protocol between the relevant agencies, local agencies may alert each other that the warning has been given so that it can be effectively monitored. Each agency will be encouraged to keep 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/Agreements (ABCs / ABAs)*

ABCs are an effective and valuable part of our prevention, diversion and behaviour change ASB tool. 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. If an individual declines to sign the ABC without contacting the housing officer and/or providing a reason why, then the officer may consider "Applying" the ABC, meaning that (unless a mental health or other relevant professional advises against "Applying" the ABC), the individual will be bound by the Conditions of the ABC as though they had signed it,

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

- b) Examples of formal legal action may include:

#### *Possession Action*

When the perpetrator of the ASB is a tenant the property owner 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.

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

If a tenant is causing ASB, a NOSP may be served when there is sufficient evidence that the relevant clauses of the 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, to evict the perpetrator. If the ASB

continues after a NOSP has been served the next stage in the enforcement process is to instruct the Council's legal team to request a court hearing. The complainant and any other witnesses/victims involved will be informed if this step is taken.

#### [Notice to Quit \(NTQ\)](#)

An NTQ will be served when there is evidence that the relevant clause(s) of the Tenancy Conditions has been breached. An NTQ brings a **non-secure tenancy** to an end. At the end of a period of 28 days after the NTQ is served, if the ASB is continuing, a referral will be made to the Council's legal team to request a possession hearing at the County Court. The complainant and any other witnesses/victims involved will be informed if this step is taken.

#### [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 absolute 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 are a private sector or 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 legal action is taken, 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 for 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). Breach of a CBO is a criminal offence that may carry further consequences.

### *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. This applies to residential and commercial premises which can be closed for up to six months.

### Community Protection Warning (CPW)

The community protection warning (CPW) is an early warning that an individual's behaviour is unacceptable and is negatively impacting others. The individual will be provided with details of the offending conduct and given a list of advised actions to take or not to take to improve the behaviour.

### Community Protection Notice (CPN)

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 issuing a CPNW. Police, council or social landlords with relevant dispensation can issue CPNs 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 ASB Crime and Policing Act 2014 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 ASB Crime and Policing Act. The issuing officer will have to be able to prove that the person issued with the CPN can reasonably be 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 of the premises cannot be determined, the issuing officer can post the CPN on the premises and it is considered as having been served. In that scenario, the issuing officer would provide evidence 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 clearance 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 that the behaviour to stops **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, options available to the Council include:

- 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/or it is not in the public interest 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 a 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. PSPOs are designed to ensure that 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 it can be made if the Council is 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 to 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.

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

There are also further consultation requirements where, for example, access is to be restricted to a public right of way under a PSPO. This includes notifying relevant persons or associations 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 will 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 will then consider these representations.

A single PSPO can include multiple restrictions and requirements in one order. It can prohibit certain activities, such as the drinking of alcohol in a public space, 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 and under control.

The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. Short-term PSPOs will be considered for use 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 in order not to adversely impact on the public for a long period of time.

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. The local police and any other community appropriate representatives will be consulted.

The PSPO can cover a number of different restrictions and requirements so there should be little need for the Council 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 consider varying 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, the Council may 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 measure/resolution. 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 an FPN, the officer may 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.

## **CLOSING THE ASB COMPLAINT/CASE**

The complainant will be advised when the Council considers it is reasonable to close and why. We will also aim to seek the complainant's agreement before closing the case.

If the resident wishes to challenge the decision to close the case, then this should be done within 7 working days of being notified that the case will be closed.

This will result in a letter being sent to the complainant advising them of the outcome within 3 working days. If there is a delay in responding due to absence within the service or requiring additional information from partners, the complainant will be updated.

However, the Council reserves the right to close a case if deemed appropriate by the service.

There are a number of reasons why the case may be closed such as:

- A case review has indicated that the anti-social behaviour has stopped
- We believe we have delivered the appropriate action and we believe that there is no further action necessary
- There are third parties which are better placed to deal with the anti-social behaviour
- The complainant is not engaging and/or providing information to assist with the investigation or to assist the Council with taking enforcement action
- There is insufficient evidence of ASB to support action in the case
- It is concluded through our investigation that no further action is needed.

ACTION	1	2	3	4	5	6	7	8	9	10	11
Inform resident that we will be closing the case	x										
Resident to inform us if they are challenging our decision to close the case		x	x	x	x	x	x	x			
A review letter will be sent to the resident in relation to the outcome									x	x	x

## THE COMMUNITY TRIGGER / ASB CASE REVIEW

Residents have a statutory right, under the *Anti-social behaviour, Crime and Policing Act 2014*, to request an ASB Case Review (Community Trigger).

### Threshold / criteria

To activate the ASB Case Review, the following threshold must be met:

- The resident(s) has made at least 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
- The application for the case review must be made within six months of the date on which the complaint is made
- the complaint is made within the period of one month beginning with the date on which the behaviour is alleged to have occurred
- 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.

There are also times when the case review is activated but it is deemed not suitable such as:

- When anonymous reports are made, and services are unable to contact the complainant
- When a complaint is being considered under the Council's vexatious complainant policy
- When the behaviour is not considered anti-social behaviour

### Information required

If residents activate the Community Trigger, they will need to give the following details:

- the dates of each time you have made reports of antisocial behaviour in the last six months
- details of where you reported the ASB incidents (name, organisation, reference numbers)
- information about the antisocial behaviour that is affecting you

## How to activate through varies modes of communication

Online Form: [Community trigger | Croydon Council](https://www.croydon.gov.uk/Community-trigger)

Email: communitytrigger@croydon.gov.uk

Post: Community Trigger, Violence Reduction Network, Culture & Community Safety, Sustainable Communities, Regeneration & Economic Recovery Department, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA

## Process

Online forms will produce an automatic acknowledgement when information is submitted.

Acknowledgement email will be sent within 3 working days to the resident(s) activating the trigger. The email will also state if the criteria/threshold has been met and whether it will progress or not. A single point of contact will be assigned who will liaise with the resident throughout the ASB Case Review process to keep them updated, including notifying them when and why a case is going to be closed

If the threshold is met, an independent chair will review the submitted information and may contact the person(s) who activated the threshold if further information is required with 6 working days.

A request will be made to all relevant bodies to provide information about their involvement/actions in the case within 10 working days of the trigger being activated.

Partners will be expected to provide feedback within 15 working days of the trigger being activated.

A multi-agency meeting will be convened to look at all aspects of the case and partners who are involved in the case will be invited to attend. Please note, that due to partners availability, there may be a slight delay in the meeting taking place to ensure full representation is present and the full details of the case are known. The initial meeting will be scheduled 20 working days of the trigger. The purpose of the meeting is to discuss the anti-social behaviour, what actions have been taken and considered. The chair will review how the partners have responded and the reasoning. The chair will also make recommendations on how the issues can potentially be resolved.

Following the meeting, the chair will provide a response back to the person(s) who activated the trigger explaining what has taken place and potential next steps. A written response will be provided within 25 working days from receipt. If there is a delay, the resident(s) will be informed.

### Review

If the resident(s) is not satisfied, then an appeal can be submitted within 28 days if:

- We decided you do not meet the criteria for a review but you disagree with this
- you do not agree with the decisions made after a review

The independent chair will review the appeal within 15 working days of the trigger being made and feedback will be provided within 20 working days. You will not be able to appeal again after they make their decision.

If the resident would like to make personal representation to explain the level of harm and impact the behaviour has had on them then the victim will be given the opportunity to submit a written impact statement detailing the impact of the anti-social behaviour on them.

If during the review, the panel believe that the resident may require support services then an offer of support will be made.

If a second report of ASB is made within a six month period regardless of if they meet the threshold criteria, we will explain the ASB Case Review process to the resident.



## **SUMMARY OF ANTI SOCIAL BEHAVIOUR POLICY**

### **OUR COMMITMENT**

Residents expect and deserve to feel proud of our borough and safer, as they walk down the street and in their homes. That means working with them and partners to look after our communities.

We aim to respond to ASB fairly, consistently, and with a focus on early resolution. Where possible, we'll work with you and our partners to address the behaviour before taking legal action.

### **WHAT IS 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:

- Noise nuisance (loud Television or Music, late night visitors) \*
- Verbal abuse / harassment / intimidation / threatening behaviour
- Hate related incidents (harassment based on race, sexual orientation, gender, disability, religion age or other hate related incident)
- Vandalism or damage to property (arson, graffiti, property neglect) \*\*
- Pets and animal nuisance (persistent dog barking / fouling, smell, uncontrolled or dangerous dog, other pet or animal nuisance)
- Drugs (substance misuse, drug dealing, evidence of drug use, other drug related incident)
- Alcohol (alcohol misuse, street / public drinking, other alcohol related incidents)
- Domestic abuse and sexual violence
- Physical violence (assault and other physical violence)
- Litter / rubbish / fly-tipping
- Vehicle nuisance\*\*\*
- Misuse of communal and public spaces (urinating, groups congregating in the area, aggressive begging, fly posting, congregation of items, intrusive CCTV) \*\*\*\*
- Criminal behaviour (theft, gun crime, knife crime, hate crime, any other criminal incident)

\* Noise arising from reasonable household activities and/or Lifestyle differences are not considered ASB (i.e. use of white goods, DIY in regular hours, children playing)

\*\* Garden maintenance may not be considered as ASB

\*\*\* Parking disputes may not be treated as ASB in isolation

\*\*\*\* Young people playing games on permissible areas or gathering in a group where there is no other associated ASB may not be investigated.

## MANAGING THE CASE AND SUPPORTING RESIDENTS

If the case is managed by the Local Authority, we will:

- Identify any vulnerabilities through completing a Vulnerability Risk Assessment and be guided by the outcome of the assessment. The Risk assessment will be reviewed every four months.
- Follow safeguarding procedures
- Provide relevant advice and support
- Keep the victim/complainant updated on the progress of the case as agreed.
- Contact relevant services

## REPORTING ASB

Residents within the occupancy types that are overseen by the Local Authority can contact the tenancy service to report anti-social behaviour that they are experiencing. If an individual involved does not live in an occupancy type that is managed by the service, then they may liaise with relevant partners such as HA, RSL for further guidance. If a resident who is within an occupancy type that is managed by the Tenancy team is involved, then the team will investigate.

The Tenancy team and ASB team can be contacted via:

- Telephone
- Email
- Via a third party or support worker.

## REPORTING TIMEFRAME

Action	Number of working days								
	1	2	3	4	5	6	7	8	9
Resident report ASB	x								
Acknowledgement of complaint*		x	x	x					
Completing a Vulnerability Risk Assessment *					x	x	x	x	x

The following contains some of the main actions that we will consider in managing ASB complaints

## **TAKING ACTION**

Examples of preventative/informal measures the team may take include:

- Mediation
- Informal Warning
- Warning Letters
- Acceptable Behaviour Contracts/Agreements (ABCs / ABAs)

Examples of formal legal action may include:

- Possession Action
- Notice of Seeking Possession (NOSP)
- Notice to Quit (NTQ)
- Absolute Ground for Possession
- Legal Undertaking
- Forfeiture Proceedings
- Injunctions
- Criminal Behaviour Orders
- Premises Closures
- Community Protection Warning (CPW)
- Community Protection Notice (CPN)
- Public Spaces Protection Order

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