



**BRENTWOOD
BOROUGH COUNCIL**

**Anti-social Behaviour Policy and
Investigation Procedures
Staff**

DRAFT

Summary Sheet

Purpose of this document:

This document sets out the Council's policy on Anti-Social Behaviour (ASB) and the investigation procedures to be followed on receipt of a complaint of ASB to Brentwood Borough Council.

It explains what is meant by 'anti-social behaviour' and sets out the guiding principles for those officers in the Council who deal with complaints of ASB.

The Council recognises the importance of providing an excellent standard of customer service to our residents and that is central to this policy and in particular the resolution of ASB complaints. The Council is not always the most appropriate agency to deal with some complaints and this document aims to provide guidance on which authority/agency residents should direct complaints to in order to avoid unnecessary delays in resolving their issues/concerns.

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1. Policy Statement

Brentwood Borough Council recognises the need to tackle ASB as it can have a detrimental impact upon our residents, communities and visitors to the Borough. We will work in partnership with other agencies to support those experiencing ASB. However, the Council will not always be the best placed authority/agency to tackle every issue. Therefore we will advise and signpost complainants at the first point of contact to ensure concerns are directed to the appropriate authority/agency. A helpful chart has been included in this document to assist complainants in identifying who to report incidents to.

2. Definition of Anti-Social Behaviour

It is not always easy to pinpoint exactly what is, and what is not, ASB. People's judgment and tolerance may differ about what is acceptable behaviour.

The Anti-social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:-

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises, or;
- (c) conduct capable of causing housing-related nuisance or annoyance to any person.

In order to ensure that the Council provides the appropriate level of service to complainants the focus needs to be on those behaviours that have a significant, negative impact on others' quality of life, but does not necessarily take the form of criminal behaviour such as drugs, criminal damage, assault etc.

ASB is a broad term used to describe day-to-day incidents of nuisance and disorder that affects people's lives.

This can cover everything from litter to aggressive dogs, vandalism to noisy neighbours - but it generally falls into these categories:

Personal - behaviour that targets a particular individual or specific group or is aimed at having an impact on a particular individual or incident rather than a community at large. E.g. harassment, intimidation, threatening behaviour and noise nuisance.

Nuisance - individuals or incidents that cause trouble, annoyance, inconvenience, or suffering to people in the local community in general, rather than targeted at an individual. E.g. vandalism, intimidating gathering of youths and nuisance vehicles.

Environmental - incidents and inconsiderate actions which impact on the surroundings including the natural, built and social environments. E.g. graffiti, litter and fly tipping.

Behaviour which results from different lifestyles or which would not generally be considered unreasonable is not ASB. As mentioned earlier it is important to be tolerant of other people's lifestyles.

The Council will not usually take action in circumstances such as the following:

- One-off noisy party within reasonable times
- Normal living noises, such as walking across the floor, closing doors, flushing the toilet etc
- Noise from children playing
- Personal differences/family disputes
- Disagreements about parking
- Civil disputes such as boundary issues
- Groups of young people gathering who are not acting in an intimidating manner

3. Who is responsible for dealing with Anti-Social Behaviour?

It is important that complainants initially contact the authority/agency with the most appropriate powers to resolve their complaint to ensure that action is taken without any unnecessary delays caused by reporting to the wrong agency. Call takers and investigating officers will work within the definition provided in this document to assess whether ASB is being committed in the first instance and what if any response is required from the Council.

If the complaint is one which can be dealt with by the Council the complaint will be referred to the appropriate service area for investigation. See Appendix 1 for a chart showing which service area will deal with specific incidents.

If the complaint is not one which can be dealt with by the Council the complainant will be referred to the appropriate authority/agency.

Reported incidents involving overlapping issues may sometimes require a joint or coordinated response. Assistance in these cases may be sought from the Community Safety team.

Landlord Obligations

The Council has its own housing stock and is responsible for ensuring that tenants and leaseholders are aware of their responsibilities and obligations outlined within their tenancy agreement/lease. Housing Officers will seek to resolve low level problems at the earliest opportunity, through established tenancy management processes, preventing unnecessary escalation.

Listed below are examples of issues that could reasonably be resolved through tenancy management processes through the provision of appropriate advice/instruction, partner liaison and in certain circumstances independent mediation;

- Noisy neighbours
- Damage to property
- Untidy gardens
- High hedges/overhanging trees & shrubs (liaison with Planning Services)
- Uncontrolled animals/pets
- Dog fouling
- Inappropriate use of premises (car repairs, etc.)
- Abandoned cars
- Impeding access to communal areas

Similarly other housing providers will have their own tenancy agreements and processes in place which will equally advise tenants of their rights and responsibilities. Complainants will be directed to their housing provider for assistance.

Essex Police

Essex Police have recently reviewed their policy on dealing with ASB and as a result will now only deal with high risk cases where there is threat, risk or harm.

Where ASB enquiries include reports of criminal offences for which an individual could be charged and prosecuted, the matter should be referred to Essex Police to determine whether it would be more appropriately investigated by them. However, the Council will continue to work with our police colleagues and other agencies when it is appropriate and necessary.

Restorative Justice & Mediation

In April 2015 the Restorative Justice Hub was launched, based at the office of the Police & Crime Commissioner. The hub offers mediation for neighbour disputes and low level ASB as well as referrals for Restorative Justice. Therefore investigating officers will consider offering mediation when appropriate and refer cases to the Hub. For further information visit www.essex.pcc.police.uk where guidance and referral documents can be found or speak to one of the Restorative Justice Champions within the Council. They are:

Daniel Cannon	Community Safety	Daniel.cannon@brentwood.gov.uk	01277 312692
Robert Berry	Housing Estates	Robert.berry@brentwood.gov.uk	01277 312500

Victim Support

Victim Support is an independent UK charity which helps people cope with the effects of crime. They provide free and confidential advice and support to help victims, witnesses and their families. The Council will consider referrals to Victim Support when necessary and appropriate.

4. Reporting incidents of anti-social behaviour to the Council

Reported allegations of ASB which are the responsibility of the Council can be made through a number of different routes including;

Website	www.brentwood.gov.uk
Telephone	01277 312500
Post	Brentwood Borough Council Town Hall Ingrave Road Brentwood CM15 8AY
In person	Town Hall - main reception

Other routes could include:

- Contacting the appropriate landlord or letting agency who will have their own ASB policy and procedure in place.
- Face to face at Neighbourhood Housing offices (where appropriate).
- Through Hate Crime Reporting Centres
- At hostels and other temporary accommodation.
- Through Essex Police on the non emergency number **101**.

Complaints can be reported by:-

- The victim
- The victim's family
- Friends of the victim
- Witnesses of an incident
- Councillors/Members of Parliament
- Other relevant agencies

5. Operational Procedures

Enquiry handling

However reported, Council officer's receiving a report of ASB which requires action by the Council will log all details on the Council's ASB case management system (Uniform) and if appropriate allocate to the relevant officer or service area to assess and deal with the complaint.

Council officers taking reports of ASB from residents through the Council's Corporate Contact Centre will take a detailed account of reported incidents using a standardised ASB script to ensure good quality information is obtained from the complainant and any potential vulnerability issues identified, from the outset.

As detailed within this document the Council will not always be the appropriate authority/agency to deal with complaints and every effort will be made to redirect complainants at the first point of contact.

Anonymous reports will not be accepted.

Case Investigation

The Council recognises that the complexities involved in investigating ASB cannot be readily mapped out in a one size fits all process but call handlers and investigating officers must refer to the definition used within this document.

Whilst each case will require a tailored and proportionate response there are up to six strands of activity that need to be considered/followed in tandem to ensure investigations are thorough and effective;

- i) Risk Assessment Matrix (RAM)
- ii) Evidence collation & statement taking
- iii) Tenancy Enforcement
- iv) Interventions
- v) ASB Enforcement
- vi) Partner agency liaison / Local Action Group (LAG) Referral

Council managers/supervisors will conduct regular case reviews to ensure investigating officers utilise all problem solving opportunities and consider appropriate legal interventions where necessary.

Contact with the Complainant

To assist investigating officers and to ensure that complaints are dealt with in an efficient and effective manner a checklist has been devised which can be found at appendix 2.

Where it transpires that reported behaviour may include criminal incidents the complainant will be encouraged to report the matter to Essex Police, to keep a record of incident numbers and retain the name/details of the attending officer.

Risk Assessments

Each report will be assessed and dealt with by the investigating officer in accordance with the risk status after completion of the Risk Assessment Matrix (RAM) (See *appendix 3*). The RAM is based on a Home Office guidance document.

The RAM determines risk based on a points system taking into account the history of the complaint, vulnerability of the complainant and support available to the complainant.

The RAM enables the investigating officer to include a professional assessment based on experience which allows flexibility in determining risk level. The investigating officer will complete the list of actions and support recommendations based on the risk assessment outcome on the Uniform ASB case management and the reasons why they have been implemented or disregarded.

Vulnerabilities will be reassessed at regular intervals throughout the investigation to re-assess support needs in response to ongoing incidents, changes in personal circumstances, and any significant case actions i.e. legal notices served.

The complainant will be informed verbally that information will be shared with other organisations and verbal consent obtained so as not to slow or impede the process of investigation. The consent will be recorded on the Uniform ASB case management system.

If consent to share information is refused this will be recorded by the investigating officer on Uniform ASB case management system and the complainant informed that appropriate resolution may not be possible without this consent.

Concerns relating safeguarding issues such as child protection etc will be dealt with in accordance with the Council's Safeguarding Procedures and all referrals will be notified to the Council's safeguarding lead or, in their absence, the nominated deputy.

Reports of Hate, Race or Domestic Abuse will always be referred to the police dedicated liaison officer whether consent is granted or not and a record made of the name/rank/collar number of the officer reported to. All referrals will be in writing and a record kept on the Uniform ASB case management system.

If the complaint is of a simple nature and dealt with at first point of contact through advice or sign-posting there will be no need to complete a RAM.

Contact with the alleged perpetrator

Once all details are obtained of the alleged complaint from the complainant contact should be made with the alleged perpetrator.

To assist the investigating officers a checklist has been developed, please see appendix 4

Counter allegations

Where an alleged perpetrator makes a counter allegation it should be treated seriously, logged as a new enquiry on Uniform by the receiving officer and processed in accordance with agreed procedures to agreed service standards.

A manager/supervisor will depending upon the complexity of the case, determine whether any counter allegation case is investigated by the Officer dealing with the original case or whether it needs to be passed to a second officer for investigation.

Evidence collation & statement taking

It is important that throughout the process of investigating reports of ASB all information is recorded properly and formally. This means that accurate, clear and objective records must be kept.

The records include ASB Incident Report Forms (appendix 5), details of meetings, discussions, telephone conversations and file notes, e-mails and letters.

The checklists provided at appendices 2 and 4 form an essential part of the information gathering exercise and ensures the highest degree of professionalism required to achieve a successful outcome.

Evidence can take the form of witness statements including ASB Incident Report Forms, CCTV footage, letters of complaints, reports to police, intelligence reports, previous convictions, previous interventions. In some cases hearsay can be used, however, this should be supported by corroborative professional evidence to give greater credibility.

In many instances the investigation of a complaint will require the completion of ASB Incident Report Forms as mentioned above. These provide a clear audit trail by complainants and witnesses of the alleged ASB. The reports themselves can, if necessary, be presented to a Court to support the accuracy of the evidence being presented.

When incidents are reported to a particular service area it may be the case that ASB case management is not an area that is usually undertaken by the officer. For example ASB within our parks will be referred to the appropriate officer based at the Council's depot.

Officers receiving such complaints will always consider a referral to the Local Action Group (LAG) for additional support and assistance. The LAG is a multi agency forum that meets monthly to discuss cases of ASB or Hate Crime. They also perform the role of the review panel for all ASB Case Reviews. However, ownership of the case will remain with the service area.

Consideration should be given to the use of other means of evidence which can include:-

- Overt CCTV (refer to CCTV Operations Officer for installation and signage).
- Covert CCTV. The legal requirement for a directed surveillance authority under The Regulation of Investigatory Powers Act 2000 (RIPA) as amended by Protection of Freedoms Act 2012 must be followed prior to deployment.
- Still photographs. Statements will be required from person taking and images secured and exhibited to the required court standard.
- Video evidence from witnesses or complainants – as above
- Evidence from other agencies e.g. housing officers, environmental health officers, police staff and other professional witnesses.
- Prior enforcement action e.g. Acceptable Behaviour Contracts, Injunctions, cautions, warnings, criminal convictions
- Medical evidence regarding the health and impact upon the witness and or the physical or mental health of the perpetrator (permission required from victim)
- Community Impact statements
- Evidence of other agency involvement
- Intervention methods previously offered or implemented and outcome
- Historic evidence of any other previous incidents

Interventions

Once the initial investigation has been completed, an proportionate response will be identified and the complainant informed of the proposed action to be taken and the period of time it will happen in.

They should have the opportunity to comment on the proposed action and raise any issues or concerns on how it may affect them. The proposed action may have to be altered to accommodate concerns expressed by the victim/witness. All complainant contact and responses will be recorded on the ASB case management system.

With the agreement of the complainant the investigating officer will contact the perpetrator and give them the opportunity to explain any of the allegations made. It must be explained that failure by the complainant to give permission for the perpetrator to be contacted could hinder any action being considered.

Details of the complainant(s) will never be disclosed (either directly or indirectly) to the perpetrator without their consent. However, if Court action becomes necessary the Council may have to disclose complainant's details or in some circumstances the complainants may be required to give evidence at Court. This will also be discussed with the complainant before proceeding.

The Council will consider all supportive and diversionary interventions and referrals that are appropriate to the perpetrators tenure, age, and support needs, balancing the support needs of the perpetrator against the seriousness of the ASB and the need to protect victims and witnesses.

Interventions used will include both diversionary activities and pre-enforcement contracts and agreements including, referrals to intervention providers (YOT, Council projects, drug programmes, Housing advice, Homelessness etc), verbal and written warnings, Acceptable Behaviour Contracts (ABC's), Good Neighbour Agreements, and Noise Abatement Notices, Community Protection Orders, Injunctions and Criminal Behaviour Orders, and/or tenancy enforcement including eviction in the most serious cases.

Where perpetrators are engaged on supportive or diversionary interventions, Case Officers will regularly consult with service providers to assess the impact of engagement against reported behaviour recognising the potential to undertake enforcement action in conjunction with ongoing intervention & support where appropriate.

Acceptable Behaviour Contracts

Written contracts between an individual (and their parent/carer if they are under 18), the Council or Housing Provider, and the Police. Although not legally binding, the contract is a promise that the individual will not carry out certain acts which could be seen as anti-social. The Contract may include support for the individual in tackling the behaviour.

Contract terms will be agreed with the perpetrator through face to face meetings at which behaviours are fully discussed and their impact recognised. It is not always necessary to use an ABC before taking other action (e.g. where the behaviour is very serious) but it is a step that would be considered in most cases.

Parenting Contracts

In some cases it may also be appropriate for the parent to enter into a Parenting Contract, where the parent agrees to certain measures to try and stop the anti-social behaviour being caused by their son/daughter.

Noise Abatement Notice

Where an Officer is satisfied that that a noise problem amounts to a statutory nuisance an abatement notice, under Section 80 of the Environmental Protection Act 1990 may be served on the person causing the problem or the landlord/owner of the property within 7 days of the nuisance being witnessed. The notice will require the person to stop causing a disturbance and may also require works to achieve this to be carried out within a specified time

Community Protection Notice (CPN)

Since the ASB Crime & Policing Act came into force in October 2014 Councils and Police can use the CPN to stop persistently anti-social individuals, businesses or organisations. It can include requirements to stop or do things or take steps to avoid further ASB. Failure to comply with a CPN without reasonable excuse is a summary offence carrying a maximum penalty on conviction of a fine of up to level 4 (individuals) or £20,000 (businesses).

Alternatively, an Authorised Person may issue a Fixed Penalty Notice (max £100) conferring immunity from prosecution if paid within 14 days.

Public Spaces Protection Orders (PSPOs)

The ASB Crime & Policing Act introduced PSPOs which are designed to protect public spaces from persistent anti-social individuals or groups. For example: persistent dog fouling in an area. They can be obtained by the Council in consultation with the police.

The Injunction to Prevent Nuisance and Annoyance (IPNA)

A civil power to stop a person's ASB escalating and set a clear standard of behaviour. It can include prohibitions and positive requirements. For perpetrators aged 10 and over.

Criminal Behaviour Orders (CBO)

A Court Order to tackle ASB which is applied following a conviction for any criminal offence can include prohibitions and positive requirements. If the Court is satisfied beyond reasonable doubt that the offender has caused or is likely to cause harassment, alarm or distress to others and the CBO will help prevent it.

Dispersal Powers

A Police power to remove a person from a specific location for up to 48 hours if authorised by a police inspector or above.

Absolute Ground for Possession

A power which offers protection and faster relief to victims by quickly evicting the most anti-social tenants. It can be used by the landlord (Council, Housing Provider, Private Landlords) on a premises where ASB is causing nuisance or disorder such as noisy premises, environmental pollution, drug/alcohol related ASB.

Closure Power

Power to close premises for up to 48 hours out of Court (Closure Notice) or up to 6 months via the Court (Closure Order)

Tenancy Enforcement - Secure Tenancies

The Council will adhere to agreed processes for dealing with ASB related to secure tenancies.

Enforcement measures used for secure tenancies are:

- Written warnings
- Housing Cautions
- Demoted tenancies
- Possession orders

Tenancy Enforcement – Introductory Tenancies

The Council will adhere to the legal process set out for dealing with ASB related to Introductory Tenancies. Enforcement measures used for Introductory Tenancies are:

- Extension of Introductory Tenancies
- Termination of Introductory Tenancies
- Final Warnings
- Possession

Injunctions under s.153 Housing Act 1996.

An injunction is a court order prohibiting a person from committing certain acts. If any injunction is breached, this will be contempt of Court, and the council can apply for this contempt to be punished by a fine or committal to prison.

It may also be possible to obtain a power of arrest and exclusion zone (including exclusion from someone's home), as part of the injunction if the individual has used or threatened violence or there is a significant risk of harm to victims.

In very serious cases it may be possible to apply for an injunction without telling the perpetrator that the council is applying to court for an order.

Injunctions for trespass

The Council can send a prohibition letter banning individuals from entering council owned property.

If the letter is ignored this will be trespass and the council can apply for an injunction banning the individual from continuing the trespass. In the case of schools, the law requires the parent of a child to be consulted before such a ban is made against them.

Injunctions under s.222 Local Government Act 1972

The Council can use the authority of s. 222 Local Government Act 1972 to bring proceedings in the County Court to prohibit a person from continuing to cause a public nuisance, if it can be shown that it is expedient for the promotion or protection of the interests of the inhabitants of the area. These can be used to deal with problems such as drug dealing, begging or prostitution.

Brentwood Local Action Group (LAG) referrals

As mentioned previously The LAG is a multi-agency problem solving meeting attended by practitioners from the Council, Essex Police, Housing Providers, Youth Offending and other interested parties. Referrals can be made by any practitioner who has a role in tackling ASB in the Borough. The LAG meets monthly.

Each referral will be discussed and actions allocated to appropriate officers. The case will be formally reviewed each meeting where actions will be determined until a successful resolution has been achieved.

All parties attending the LAG sign a confidentiality statement.

The LAG also performs the role of the Review Panel for all ASB Case Reviews.

ASB Case Review (Formerly the Community Trigger)

The purpose of the ASB Case Review is to give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution. Responsible Authorities and other relevant bodies are responsible for taking the problem solving approach. The threshold for an ASB Case Review is three qualifying complaints in the previous six month period (*See Appendix 6*).

The process adopted by Brentwood Borough Council is based along the model developed by Safer Essex and agreed by the Police & Crime Commissioner (PCC). It has been decided locally by all partners to incorporate the process in the multi-agency LAG structure that is being established. The LAG will meet each month to consider ASB, Hate Crime & Domestic Abuse cases. The group will now also act as the ASB Case Review Panel and consider ASB Case Review requests. All decisions and actions will be recorded in the minutes.

On the receipt of a complaint where the threshold is met, in addition to initiating the review process, personal contact with the complainant will be carried out by an officer from the Community Safety team as soon as practicable. The officer will act as an advocate for the complainant during the review process, no matter what organisation has led in previous investigations or are identified in leading in the case review. If the case relates to one dealt with by the Community Safety Officer contact will be made by a different officer. The officer will act as point of contact to the complainant during the review process and will keep them updated of all developments including the progress of further action plans to resolve the issues subject to complaint.

In cases where victims of ASB present to the Council who may have disabilities preventing them reporting online or in writing assistance will be given by officers from Community Safety Team to complete the necessary reporting forms.

Community Remedy

The Community Remedy give victims a say in the out-of-court punishment of perpetrators for low-level crime and ASB.

The Act places a duty on the Police and Crime Commissioner to consult with members of the public and community representatives on what punitive, reparative or rehabilitation actions they would consider to be on the Community Remedy Document.

Appendix 7 A helpful chart setting out the powers/interventions available regarding ASB and where the authority to use those powers sits.

Resolution

A case can be resolved at any stage. Resolution means an outcome that has been implemented after careful and thorough investigation. It may not be the outcome that the complainant wants.

Outcomes are often reached more by intervention, prevention and diversion than enforcement actions. However a twin track approach of enforcement and support are also effective.

The investigating officer must ensure that Uniform, the ASB case management system is updated and the case will not be closed before being reviewed and authorised by the supervising Officer.

If a complainant feels that their complaint has not been actioned or dealt with appropriately they can request a review of their case. This can be done by completing a request for an ASB Case Review. For more information please visit the Council's website: www.brentwood.gov.uk.

6. Staff Training

The Council places a high importance on training of staff and will deliver training to staff at regular intervals to ensure staff are fully informed of any changes to procedures, processes and legislative tools and powers.

The Council will in addition update its partners on any changes to practice, legislation and continually raise awareness of anti social behaviour strategies and procedures.

7. Data Protection and Confidentiality

The Council needs to process personal data and private information in order to deliver many of its services.

Confidentiality

The Council adopts the general principle that information should only be disclosed to individuals with a legitimate and reasonable right to that information.

In general, all information received from victims and witnesses of ASB will be treated as having been given to Brentwood Borough Council in confidence, and will not be disclosed to third parties unless those providing the information have agreed that we may do so.

We will treat every case in confidence and officers will do all they can to protect the identity of victims and witnesses.

We will advise witnesses that:

- Their information will be treated as confidential and not be disclosed without their permission, and that we will do all we can to protect their identity when we speak to other people.
- We will not disclose their details, but advise them that it may not always be possible to prevent their identity from becoming known (for example, if there are specific details in the allegations put to alleged perpetrators).
- Officers will conduct their enquiries in a way that reduces to a minimum any opportunity that will lead to the identification of victims and witnesses.

Sharing information with our partners

The Council and our community safety partners use an agreed Information Sharing Protocol created under the Crime and Disorder Act, 1998.

We may share information with these other agencies for the purpose of preventing anti ASB or crime.

Sharing information with tenants and the community

The Council works proactively with the media to publicise successful actions to prevent or tackle ASB.

The Council regularly communicates with its tenants and residents on a variety of matters, including ASB. The Community Safety Partnership regularly sends out a newsletter to partners and residents on community safety issues.

Recording of decisions made under delegated powers

The Openness of Local Government Bodies Regulations, which came into force on 6 August 2014, requires local authorities to record and publish certain significant officer decisions made under delegated powers.

There are exemptions to the Regulations and officers should refer to guidance available on the staff intranet or their line manager to ensure they comply with the Regulations and record appropriate decisions.

For example, if an officer seeks to use the Public Spaces Protection Order this should be recorded on the Delegated Decision Record Sheet.

8. Protection of Staff

The Council has a policy on violence at work to protect its staff. Risk Assessments required under the Management of Health and Safety at Work Regulations 1992 are carried out in respect of staff with duties to undertake anti-social behaviour work.

9. Complaints

We are committed to giving you the best possible service at all times, but sometimes we make mistakes. If this happens, we want you to contact us and let us know.

Where complaints cannot be resolved by local managers, complaints will be referred to the performance core for further review and response.

If you have a complaint, compliment or a comment about the council, you can talk to the member of staff concerned or their manager, you can:

Phone us on

01277 312500

Use the online form on the Council Website at www.brentwood.gov.uk

Email us at **xxxxxxxxxxxxxxxxxx**

Write to us at: Brentwood Borough Council
 Town Hall
 Ingrave Road
 Brentwood
 CM15 8AY

10. Media Strategy

The Council will wherever appropriate seek to publicise its work to promote positive case outcomes and provide reassurance to residents in its ability to tackle anti-social behaviour.

All news stories resulting from the Council's casework and initiatives in the borough will be processed through the Council's Communications Team.

11. Policy & Procedure Review

This document will be reviewed as a minimum, on an annual basis to ensure it remains relevant and up to date.

Appendix 1

<i>Housing Tenants & leaseholders</i>	<i>Environmental Health</i>	<i>Street Scene</i>	<i>Planning</i>	<i>Community Safety Team</i>
<p>Nuisance neighbours / youths</p> <p>Neighbour disputes</p> <p>Anti-social behaviour in relation to tenants or property</p>	<p>Nuisance (Noise, smoke, light, bonfires)</p> <p>unauthorised encampments</p> <p>Pest Control</p> <p>Contaminated Land</p> <p>Authorised Processes</p> <p>Nuisance animals</p> <p>Gypsy and traveller incursions</p>	<p>Misuse of open spaces, including parks and play areas</p> <p>Problems within Council owned car parks</p>	<p>High Hedges</p> <p>Anti-social behaviour in relation to planning enforcement</p>	<p>Will co-ordinate action where a multi agency response is required</p>

Appendix 2

ASB Investigating Officers Initial Contact Checklist (Complainant)	Completed
Introduce themselves, providing the complainant with their contact details should the complainant need further information or wish to report further incidents.	
Fully explain not only what the complainant can expect from us, but what we will require from them and record on an Action Plan.	
Explain the purpose of, and complete a RAM.	
Obtain as much detail as possible about the alleged ASB including if appropriate photographic evidence of any reported damage.	
Establish whether any other professional body/solicitor/Councillor or MP has been contacted or is already involved in this case.	
Agree with the complainant how the case will be investigated, discussing with the complainant their expectations in relation to the case.	
Advise the complainant on how the case may progress and what options are available at this stage including independent mediation/restorative justice.	
Advise the complainant that the accurate completion of diary sheets will form a vital part of the evidence gathering process noting that if they are completed correctly and of good quality with detailed evidence of recent incidents, only a few should be required.	
Explain that if as a result of preventative interventions the alleged behaviour ceases, the case may be closed and no further action taken.	
Ensure that the complainant understands that should the Council decide to take legal action, it may be necessary for the complainant to provide evidence at a court hearing later in the case	
Obtain consent of the complainant to approach alleged perpetrators, advising the complainant that whilst their identity will not be disclosed to alleged perpetrators (unless they have given consent that they are happy for their identification to be disclosed) they may be identified to the alleged perpetrator through the disclosure of specific incidents or should legal proceedings be scheduled, (given the legal requirement to disclose evidence to the defence) through the evidence provided to the court.	
Identify any risk factors which may deter the complainant giving evidence at court.	
Provide the complainant with leaflets and information relating to currently available support services/organisations that may be able to assist the complainant.	
Advise the complainant that if they feel their case has not been dealt with to their satisfaction and they meet the threshold they may request a review of their case using the ASB Case Review process.	

Appendix 3

Case Officers Initial Contact Checklist (Perpetrators)	Completed
Explain the role of Brentwood Borough Council and the purpose of the interview/meeting.	
Inform the alleged perpetrator of the allegations made and obtain their version of events/incidents, noting any admission or counter allegation.	
Advise the alleged perpetrator on how the case may progress and what options are available at this stage including mediation (if not already considered).	
Explore with the alleged perpetrator any options to prevent further ASB through diversionary and/or supportive interventions, and voluntary agreements and/or contracts. Record on Action Plan.	
Where the alleged perpetrator is under the age of 18, discuss the allegations with the parent/guardian, seeking an assurance of support to ensure no further ASB is perpetrated.	
(Council tenants) Advise the alleged perpetrator of the consequences of further ASB resulting in a breach of tenancy and any potential actions against the named tenant.	

Appendix 4

Risk Assessment Matrix		
Name:		Official Ref:
Address:		
Tel No:	Score	Scoring Points
H I S T O R Y	Other than this occasion how often do you have problems?	0 – None previously 3 – Occasionally 5 - Frequently
	Do you think that incidents are happening more often and/or are getting worse?	0 – No 2 - Yes
	Do you know the offenders?	0 – No 1 – Yes 2 – Know each other well
	Is anyone in particular being specifically targeted by this behaviour?	0 – No 1 – A number of people 2 – Your family 3 - You
	Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, age, gender or disability?	0 – No 3 - Yes
	Does the perpetrator (or their associates) have a history of or reputation for intimidation or harassment?	0 – No 2 – Have not harassed the complainant, but have a history or reputation for harassment or violent behaviour 3 – Have harassed the complainant in the past 5 – Currently harassing the complainant
V U L N E R A B I L I T Y	How affected have you been by what has happened?	0 – Not at all 2 – Changed routine or avoid locations 4 – Distressed 6 – Affected physical or mental health
	Do you have any friends, family or professionals to go to for support?	0 – A close network of people to draw on for support 1 – A few people to draw on for support 3 – Lives alone and is isolated
	In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (eg. Because of personal circumstances?)	0 – No 3 - Yes
Scale	<u>Are there any other agencies involved with this problem?</u>	
	Apart from any effect on you, do you think anyone else has been affected by what has happened?	
Officer's personal assessment Reasons:		
Officer's assessment: STANDARD/MEDIUM/HIGH		
Score:	0-11 = STANDARD 12-23 = MEDIUM 24+ = HIGH	OVERALL RISK ASSESSMENT: <div style="display: flex; justify-content: space-around; align-items: center;"> STANDARD MEDIUM HIGH </div>
Officer completing assessment		
Signature:		Name:
CONSENT TO INFORMATION SHARING		
I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family. Verbal consent given <input type="checkbox"/> Y <input type="checkbox"/> N Date. _____ Officer.		
If there are child protection / safeguarding concerns, information will be shared regardless of whether this form is signed.		
SIGNATURE:		
PRINT NAME:		DATE:



Anti- Social Behaviour Incident Diary Sheet

Please return to: Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY.

Essex Police, Brentwood Borough Council, Essex Fire & Rescue Service, Probation Service, and Health make up Safer Brentwood, Community Safety Partnership.

PLEASE COMPLETE AS MUCH DETAIL AS POSSIBLE

This form is for information about **one** incident only. If there is a second incident on the same day or night, start a new form.

When did the incident happen?

Date of incident (if overnight write both dates – e.g. 12 th /13 th March)			Time of incident (cross out am or pm)	
Day:	Month:	Year:	Start am/pm	Finish am/pm

Where did it happen?

Put the address where the incident happened – not your own address, unless it's the same.

House/Flat No.	Road	Outside/in side?
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Who did it, or who was involved?

Put the name and address of the person or people responsible. If you don't know them write "don't know" and give as detailed a description as possible, including sex, age, ethnic origin, hair colour, (do not rely on clothing).

What happened?

Write down exactly what you saw and heard. If someone else saw or heard other things they must fill in their own Incident Report. Put all words in full, including swear words.

Continue on a separate sheet if you need to.

Any witnesses?

Did anyone else see or hear the incident. Put their name(s) and address(es). Have they filled in their own Incident Report? Yes /No

Have you reported it?

Have you told organisations like the police or housing provider, if relevant. If so write down who you spoke to and where and when you made the report. (If you have reported it to the police, put officer's number and crime number if there is one).

How has it affected you?

Write down the way the incident has made you feel, include its affect on people who live with you. For instance has it stopped you sleeping, frightened your children and so on. Are you more affected because of age or ill health?

PLEASE COMPLETE THE BOTTOM SECTION OF THIS FORM IN ORDER TO ALLOW US TO CONTACT YOU IF NECESSARY AND AUTHENTICATE THE INFORMATION PROVIDED.

Your signature I believe that the information I have given above is a true description of what I saw and/or heard.

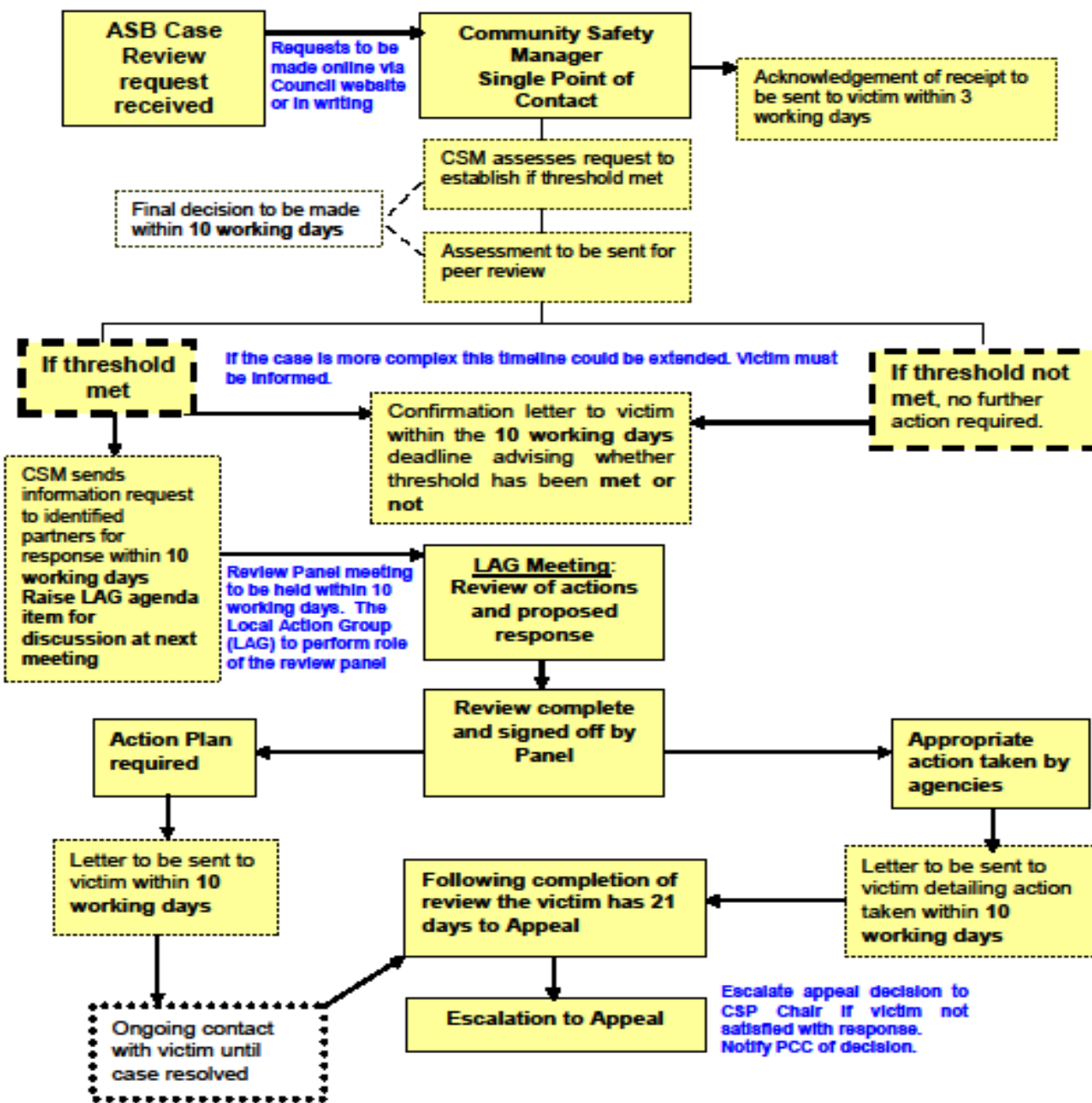
Signed

Date

Signed		Date	
Name			
Address			
Email			
Contact Numbers	Home: Mobile:	Work:	

Brentwood ASB Case Review Flowchart

ASB Case Review Timeline
 10 days to confirm if threshold met...10 days to request info...10 days for panel...10 days to complete and advise victim = 40 days



Appendix 7

Intervention	Who can issue/apply	Grounds	Typical Use	Additional Information
<p>Injunction to Prevent Nuisance & Annoyance (IPNA)</p> <p>A civil power to stop a person’s ASB escalating and set a clear standard of behaviour. It can include prohibitions and positive requirements. For perpetrators aged 10 and over</p>	<ul style="list-style-type: none"> • Councils • Housing Providers • Police 	<p>On the balance of probabilities:</p> <ul style="list-style-type: none"> • The respondent has engaged or threatens to engage in ASB • The court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in ASB. 	<ul style="list-style-type: none"> • Drug/alcohol related ASB • Harassment • Noise (tenure neutral) • Vandalism, 	<ul style="list-style-type: none"> • Its available to a wider range of agencies than the ASB Injunction • Obtainable on a civil standard of proof unlike Anti-Social Orders (ASBOs) • No need to prove ‘necessity’ unlike ASBOs • Scope for positive requirements to focus on long-term solutions
<p>Criminal Behaviour Orders (CBO)</p> <p>A Court Order to tackle ASB which is applied following a conviction for any criminal offence, Can include prohibitions and positive requirements</p>	<ul style="list-style-type: none"> • Crown Prosecution Service (CPS) – the Council and Police can request 	<p>If the Court is satisfied beyond reasonable doubt that the offender has caused or is likely to cause harassment, alarm or distress to others and the CBO will help prevent it.</p>	<ul style="list-style-type: none"> • Harassment • Hate crime • Criminal damage • Drunk and rowdy behaviour 	<ul style="list-style-type: none"> • No need to prove ‘necessity’ unlike ASBOs • Scope for positive requirements to focus on long-term solutions • Courts can grant an interim order in certain circumstances
<p>Dispersal Powers</p> <p>The power to remove a person from a specific location for up to 48 hours if authorised by a police inspector or above</p>	<ul style="list-style-type: none"> • Police 	<p>Someone’s behaviour is causing or likely to cause harassment, alarm or distress</p>	<ul style="list-style-type: none"> • Alcohol/drug related ASB • To provide short term respite to communities 	<ul style="list-style-type: none"> • An area does not need to be designated as a dispersal zone • No requirement to consult • Additional power to confiscate

<p>Community Protection Notice (CPN)</p> <p>A Notice to stop persistently anti-social individuals, businesses or organisations. Can include requirements to stop or do things or take steps to avoid further ASB.</p>	<ul style="list-style-type: none"> • Council • Housing Providers • Police 	<p>Persistent or continuing conduct which negatively affects a community's quality of life</p>	<ul style="list-style-type: none"> • Graffiti • Dog fouling • Litter • Noise disturbance 	<ul style="list-style-type: none"> • Can deal with a wider range of behaviours • Can be used against a wider range of perpetrators
<p>Public Spaces Protection Orders (PSPO)</p> <p>An Order designed to protect public spaces from persistent anti-social individuals or groups.</p>	<ul style="list-style-type: none"> • Council (in consultation with Police and other relevant partners) 	<p>Unreasonable behaviour which is (or likely to be) persistent or continuing and has (or likely to have) a detrimental effect on the local community's quality of life</p>	<ul style="list-style-type: none"> • Dog fouling • Alcohol/drug related ASB • Noise 	<ul style="list-style-type: none"> • Replaces Gating Orders, Dog Control Orders, and Designated Public Places Orders • Can restrict access to public places being used to commit ASB
<p>Closure Power</p> <p>Power to close premises for up to 48 hours out of Court (Closure Notice) or up to 6 months via the Court (Closure Order)</p>	<ul style="list-style-type: none"> • Council • Police 	<p>Premises used (or likely to be used) to cause a nuisance to the public or disorder</p>	<ul style="list-style-type: none"> • Premises where ASB is causing nuisance or disorder such as noisy premises, environmental pollution, drug/alcohol related ASB 	<ul style="list-style-type: none"> • A single closure power covering a wider range of behaviour
<p>Absolute Ground for Possession</p> <p>A power which offers protection and faster relief to victims by quickly evicting the most anti-social tenants.</p>	<ul style="list-style-type: none"> • Council • Housing Providers • Private Landlords 	<p>The tenant, a household member, or a person visiting has been convicted for a serious offence or has breached certain ASB interventions</p>	<ul style="list-style-type: none"> • Premises where ASB is causing nuisance or disorder such as noisy premises, environmental pollution, drug/alcohol related ASB 	<ul style="list-style-type: none"> • Applies to secure and assured tenancies • Will provide new flexibility for landlords to obtain possession through this faster route for persistently anti-social tenants

Acceptable Behaviour Contracts (written contract between an individual and the Council, Housing Provider – when housing related) and/or the Police)	<ul style="list-style-type: none"> • Council • Housing Provider • Essex Police 	Persistent low level ASB	<ul style="list-style-type: none"> • Nuisance Youth • Dispute between neighbours • Persistent bad behaviour by an individual 	<ul style="list-style-type: none"> • Not legally binding • Early intervention • Offered as first step before considering alternative action • Lasts for 6 months
Parenting Order (as above – but agreed measures to try and stop the ASB being caused by their son/daughter)	<ul style="list-style-type: none"> • Council • Housing Provider • Youth Offending 	To work alongside an ABC to support the young person and/or parent	<ul style="list-style-type: none"> • In conjunction with an ABC 	<ul style="list-style-type: none"> • Not legally binding • Early intervention • Offered as first step before considering alternative action • Lasts for 12 months
Noise Abatement Notice (Section 80 of the Environmental Protection Act 1990)	<ul style="list-style-type: none"> • Council 	Statutory noise nuisance	<ul style="list-style-type: none"> • Dispute between neighbours • Licensed premises 	<ul style="list-style-type: none"> • Have to be witnessed by an Environmental Health Officer