

Anti-Social Behaviour Policy 2024-2026

Document history

Date	Key changes made	Approved by
October 2024	New Policy	Extended Management Team

1. Introduction

This document provides information on our approach to tackling anti-social behaviour (ASB) in Tandridge, through prevention, support and enforcement.

It gives clear commitments and expectations of officers at Tandridge District Council and how we will work with partners and stakeholders to undertake a multi-agency approach to the prevention and reduction of ASB.

The policy sets out our decision making and compliance with a range of legislation and how we will work with partners to identify appropriate actions within the community and support use of tools available.

2. What is ASB?

The Council works to the statutory definitions of ASB set out in the Anti-Social Behaviour, Crime and Policing Act 2014 which is:

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

Behaviour that falls below the threshold and is, for instance, merely unpleasant or inconsiderate will not amount to ASB.

More serious anti-social behaviour may also be criminal conduct that may be pursued, by bringing prosecutions in the criminal courts, in parallel with other measures, or separately.

From this, the Council constitutes ASB to take place in many forms. Examples of this include, but are not limited to:

- Noise nuisance.
- Intimidation and harassment.
- The fouling of public areas.
- Environmental crime such as fly tipping and graffiti.
- Abusive, offensive threatening language and behaviour.
- Actual violence against people and property.
- Using homes to sell drugs, or for other unlawful purposes.
- Domestic abuse/arguing neighbours.

3. Hate crime / incidents.

A hate crime is 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 actual or

perceived disability, race, religion or belief, sexual orientation or whether they are transgender.

Persons convicted of offences with this aggravating feature present will be subject to higher maximum sentences.

An allegation of any Hate Incident should be reported to Surrey Police and is dealt with separately from this policy.

4. What isn't ASB?

Some of the below can become ASB but generally there are other ways of tackling these types of matters:

- Family disputes.
- Children playing.
- Loud music, noise or DIY.
- Occasional events.
- General living sounds.
- Neighbour disputes.
- Lifestyle differences.
- Children crying.

Referrals to support agencies such as mediation, support coaching and/or medical services may be made if necessary.

5. Roles and responsibilities.

Housing

The Council's Tenancy Management Team investigate and tackle anti-social behaviour that occurs in and around properties for which the Council is the landlord. Enforcement may be taken against a tenancy or lease agreement where breaches occur such as noise nuisance, poor condition of property, harassment and criminal behaviour such as violence, hate crime and drug related activity,

Multiple agencies (police, housing associations)

As part of the Community Safety Partnership we will participate in permanent or ad hoc multi-agency groups dealing with specific antisocial behaviour issues.

We will work with agencies such as housing associations, Surrey Police, private landlords, businesses and more to prevent or tackle ASB.

Legal services

Legal services provides advice on the relevant law and procedure to officers. In the majority of cases legal action is not necessary. However, the Council will take legal action if it is appropriate do so.

Environmental Health & Licensing Service

The service is committed to investigating and dealing with statutory nuisances, antisocial behaviour and conditions which may present a threat to public health. The service tackles various issues and problems including noise, dust, fumes smells and dogs whose behaviour is believed to be having a continuing and detrimental effect on the wellbeing of others.

Operational Services

Operational Services has a key role in the environmental crime area of ASB. This would primarily cover investigating the environmental crime, such as fly tipping, the safe removal and disposal if required.

In addition, the monitoring of the CCTV is undertaken within the Environment team. The current CCTV network covers several of the car parks and playground areas. There are also several covert cameras that can be used for hot spot enviro crime areas.

The Regulation of Investigatory Powers Act 2000 (RIPA) regulates how directed covert surveillance can be carried out in connection with such investigatory methods by public authorities.

Officers intending to undertake an action that may be covered under RIPA should consult the Council's RIPA policy.

All operational services, waste management and enforcement officers have a duty to report safeguarding issues if they have concerns. Contractor staff on the recycling and waste contract have a similar duty.

6. Your responsibility as a resident

The Council expects its residents and other visitors to the area not to engage in criminal or ASB, to respect others and act responsibly.

7. How we manage your case

A case can be reported via the Council's website using the relevant form or direct to Customer Services who will log the call on our case management system. When a case is reported to the Council, it will be assessed using the following risk criteria.

Category	Definition	Initial response time
High	<ul style="list-style-type: none"> • Behaviour that is a serious risk to individuals or the peace of the neighbourhood and which may include violence, serious threats of violence or other criminal activity. • Any complaint (including those that would otherwise be classed 'Medium') where the victim or perpetrator is a "vulnerable adult" as defined by the Safeguarding Vulnerable Groups Act 2006 • Any complaint that would otherwise be classed 'Medium', but where there have been previous incidents and it appears to the officer concerned that, taking these together, a more serious position has developed or may be developing. 	1 working day
Medium	<ul style="list-style-type: none"> • Unreasonable and/or prolonged disturbance, such as verbal abuse or persistent noise nuisance. 	2 to 5 working days
Low	<ul style="list-style-type: none"> • Disputes between neighbours such as disagreements about parking, boundaries, minor noise issues, children, pets and minor lifestyle differences. 	5 to 10 working days

8. Risk assessment

Responses to reports of ASB are assessed to determine the level of risk of harm to an individual or group of individuals. The following risk levels include:

- High Risk: There are continued substantial grounds for believing that the person is suffering or is likely to suffer personal harm as a result of the ASB.
- Medium Risk: There are continued grounds to believe that that this person may suffer personal harm as a result of the ASB.
- Low Risk: The frequency and nature of the behaviour being perpetrated has ceased or diminished to the extent that this person is not suffering or likely to suffer (further) personal harm as a result of the ASB.

When determining risk, officers will consider the frequency of the ASB as it is important to understand that a cumulative effect of relatively minor incidents can have a significant impact on a victim if they are repeatedly subjected to them.

The vulnerability of those impacted by ASB is also taken into consideration when deciding how to classify the risk. Those with a long-standing illness, infirmity or disability are most likely to be victims of ASB, are more likely to suffer greater harm

from ASB and are the people who have least confidence to report incidents. When assessing vulnerability consideration will be given to:

- Some characteristics can make people more susceptible to harm from ASB. eg people who have long term illnesses, disabilities, the elderly or people who are isolated from help.
- Those where the behaviour, or the likely effect of the behaviour is further increasing the vulnerability of an individual.
- Where an individual's identity (protected characteristic) is the subject of victimisation (this must be recorded as a hate crime or incident and will require a multi-agency approach).

9. Equality

When investigating reports of ASB officers are required to satisfy themselves the complaints have not been motivated on any discriminatory grounds (such as race, disability, gender, sexual orientation, religion, age or any other protected characteristic).

If during the investigation, the officer does note that the complaint is due to any of the above, the investigation will follow legislation appropriate to the discriminatory ground that has been found.

10. Actions and tools

Anti-social behaviour will be addressed using a variety of methods which are appropriate to the type of the behaviour. These include:

- **Prevention** – e.g. the provision of diversionary and educational activities such as assemblies or projects with schools to prevent young people from getting involved in ASB.
- **Supportive interventions** – e.g. mediation, early help and other diversionary activities. These interventions are most appropriate where the risk level of ASB is assessed as low.
- **Enforcement** – e.g. Community Protection Notices (CPNs), Fixed penalty notices (FPNs), Criminal Behaviour Orders (CBOs), Injunctions, and Public Spaces Protection Orders (PSPOs). These are more appropriate for persistent offenders/issues or where there is a higher level of risk.

11. Non-Legal Measures

Early and supportive interventions

Early intervention, especially through informal approaches, can be successful in stopping the ASB of many perpetrators. These interventions can establish clear standards of acceptable behaviour and reinforce the message that ASB will not be tolerated.

In many cases, awareness of the impact of their behaviour on victims and the threat of more formal enforcement can be a sufficient incentive for an individual to change their behaviour.

In all but the most serious cases our initial approach will be to use non-legal measures of intervention including

- Conversations within the home (with a parent/guardian present in the case of a child).
- Conversations at a police station (with a parent/guardian present in the case of a child).
- Referrals to the GP, mental health practitioners or other professional services such as East Surrey Domestic Abuse Service or i-Access
- ASB warning letters.
- Acceptable Behaviour Contracts.
- Joint interventions (potentially with other partners which may include police, housing officers and landlords).
- Community Protection Warning letters
- Mediation for neighbour disputes
- Contacting the landlord or housing association if not a council tenant.

Early and informal interventions will be considered first in most cases, particularly when dealing with young people. All cases should be assessed on an individual basis and where informal intervention is not considered the appropriate first step, progressing directly to formal sanctions will be considered as appropriate.

12. Legal Enforcement measures tools

In the majority of cases non-legal measures will resolve issues of ASB. However, where informal measures have not worked or the ASB is deemed to be very serious, appropriate legal action will be taken.

Although not an exhaustive list, a range of legal measures include:

- Criminal Behaviour Orders (CBOs) - this is a civil order which can only be granted following a conviction for any criminal offence by the sentencing court. No freestanding application. The court must be satisfied the offender's conduct has caused, or likely to cause, harassment alarm or distress to a person and the CBO will help prevent such conduct from the offender in the future. Breach is a criminal offence, punishable by a fine or imprisonment.

- ASB Injunction under Part 1 of the Crime and Policing Act 2014 where the respondent has engaged or is threatening to engage in ASB. This is defined as conduct which has or is likely to cause harassment, alarm or distress to any person or, where housing related, conduct which is capable of causing nuisance or annoyance to any person. It will be ordered where it is 'just and convenient' to do so and breach of an injunction is contempt of court which could result in a fine or a custodial sentence.
- Community Protection Warning and Notice under section 43 of the 2014 Act, can be issued and served to deal with ongoing conduct which is adversely affecting the community. The conduct must be unreasonable, be of a persistent or continuing nature and having a detrimental effect and on the quality of life of those in the locality. It must be preceded by service of a formal written warning against the unreasonable behaviour and anyone breach of a CPN will commit a criminal offence and may be fined.
- Closure Notice and Order - used where there is significant nuisance being caused or likely to be caused to members of the general public and/or that there has been disorder or is likely to be disorder at the property. A Closure Notice, lasting up to 48 hours, prohibits access to all persons except those who habitually live there or those who own the property. A Closure Order is granted by the Magistrate's Court and prohibits access to all persons at all times. It may allow access to specified persons and is known as a 'Partial' Closure Order. Breach is a criminal offence for which the offender may be fined.
- Abatement Notice - In cases of significant noise, or other nuisance, if Environmental Health Officers assess that it meets the test for statutory nuisance they will serve an Abatement Notice under section 80 of the Environmental Protection Act 1990. Failure to comply without reasonable excuse renders the person responsible liable to prosecution.
- Public Space Protection Orders (PSPOs) – Designed to control unreasonable behaviour having, or likely to have, a detrimental effect on the quality of life of those using a public space, that is persistent or continuing. There is a procedure to enact to control within a designated public space, for instance, adverse dog behaviour or ban the consumption of alcohol. Anyone breaching will commit an offence for which they may be fined.
- The Council's Housing Service has further formal measures that will be utilised dependant on the nature of the behaviour. Introductory Tenancy – tenants who are living in permanent social housing for the first time will be granted a 12- month introductory tenancy. If there are complaints of ASB the introductory tenancy can be extended by a further 6 months. Notice of Proceedings for Possession can also be served as a first step to the Council seeking possession of the property.

- Notice to Quit – are used to bring a non-secure tenancy to an end where there has been a breach of tenancy through ASB.
- Possession orders – the Council applies to the county court for a possession order in respect of a perpetrator’s home. If achieved, it then applies to issue a possession warrant for a bailiff to evict the occupiers. For secure tenancies this will be after service of a Notice of Seeking Possession on grounds including ‘nuisance and annoyance’ and satisfy the court it is ‘reasonable’ to make the order.
- Demoted Tenancies – the Council can apply to the County Court to have a secure tenancy demoted for a period of 12 months. A demoted tenancy is a non-secure tenancy and as such it is easier for the Council to then seek a possession order should the ASB continue.
- Management Transfer – in exceptional circumstances the Council may move the complainant, for instance, for their own safety. This will only be considered where there is a threat to life or serious harm and is supported by written statement from the Surrey Police Borough Commander.

“Absolute” ground for possession - where at least one of the following applies: a person has been found guilty of a serious criminal offence, has been found by a court to have breached the terms of an Injunction (under S1 of the Anti-Social Behaviour Crime and Policing Act 2014), conviction for breach the terms of a Criminal Behaviour Order, where the property is subject to a Closure Order for more than 48 hours, where the person has been convicted for breaching an Abatement Notice obtained under the Environmental Protection Act 1990. The court must grant the possession order, subject to raising any equalities or human rights issues.

- Flexible Tenancies – upon expiry of the term of a flexible tenancy, the Council will carry out review in order to decide whether to grant a new tenancy and if so whether this will be at the same property or a property of a different size. The Council will take issues around ASB into account as part of this review. In cases where there has been significant ASB the Council may decide not to grant a further tenancy and the tenant would be supported to find alternative accommodation.
- There may be occasions where the complainant would wish that the Council takes no specific action on their report. The situation may however be serious enough that we feel we must take actions to safeguard the individuals involved. In such circumstances we will take appropriate measures to protect all those affected and work with key partners to safeguard and retain anonymity.

13. Authorisation and delegation

Officers will be authorised to carry out enforcement in accordance with the Council’s Scheme of Delegation set out in the Constitution.

The ASB and policing Act 2014 also makes provision for local authorities to delegate the power to issue Community Protection Notices (CPNs).

The below table indicates who is authorised to initiate legal actions under the scheme of delegation.

Formal actions	Authorising officer
Community Protection Warning Letter	Investigating Officer with approval from Housing Manager
Community Protection Notice	Head of Housing or Head of Legal and Monitoring Officer
Closure Notice Closure Order	Head of Legal and Monitoring Officer
Criminal Behaviour Order	Head of Housing or Head of Legal and Monitoring Officer

14. ASB Case Review (formerly known as Community Trigger)

Victims of ASB or someone acting on their behalf can request a review of their anti-social behaviour complaints if they are unhappy with the response to reported ASB issues.

You can submit an ASB Case Review if:

- You have reported three times in the last six months separate, but related ASB incidents to an agency/ agencies and the problem persists.
- A complaint of ASB needs to be made within one month from the date when the behaviour is alleged to have occurred.

Requesting a review

You can submit a [ASB Case Review](#) request using a form on the Council’s website.

If you have reported three times in the last six months separate, but related, anti-social incidents to agencies and the problem persists there is also a group [form](#) which can be used if you are aware other people in the local community have reported separate, but related anti-social incidents to agencies in the last six months and the problem persists. You will need five signatures to confirm consent has been given from the named individuals.

What we will do

We will acknowledge your ASB Case Review submission within three working days. If it meets the criteria, a multi-agency group will review your complaints and identify any additional actions which should be taken to help resolve the problem and share this action plan with you within 25 working days.

An ASB Case Review will not be activated if:

- You have reported anti-social behaviour and been given a date when you will get a response and this date has not passed yet.
- Someone has reported ASB and received a service but, they are unhappy with the conduct of a particular agency. They will be advised to submit a complaint under the agency's complaints procedure.

15. Partnership working and information sharing

When conducting an ASB Case review or dealing with complex ASB cases, the Council will use a multi-agency forum approach. As part of this the Council is signed up to the Surrey Multi-Agency Information Sharing Protocol (MAISP). The MAISP is the basis for the legitimate gathering, processing and sharing information in accordance with the Data Protection Act 2018 and GDPR.

Community Harm and Risk Management Meetings (CHaRMMs) - will discuss and agree action to reduce the negative impact that individuals and families have on communities through their anti-social behaviour (ASB). Using the expertise that exists on this multi-agency group, members will share information on referrals and incidents and put in place appropriate risk management and disruption plans to address the behaviour of the perpetrator and reduce the negative impact on victims.

Joint Action Groups (JAGs) - JAGs will address crime and disorder issues that have been identified through the analysis of intelligence and statistics provided by all community safety partner agencies. Utilising the expertise that exists on the group it will identify desirable outcomes and determine the actions and interventions to be used to achieve these outcomes.

JAGs decide priorities, agree action plans, allocate resources and ensure there is a co-ordinated response to issues highlighted at the JAG and contained within Community Safety Partnership Plans. They play a key role in developing effective partnership responses to crime and disorder and anti-social behaviour reduction.

Community Safety Partnership

Tandridge Community Safety Partnership (TCSP) is a multi-agency strategic group established as part of the Crime and Disorder Act 1998, Section 6.

The leading partner organisations which make up the TCSP are:

- Tandridge District Council.
- Surrey County Council.
- Police and Crime Commissioner’s Office.
- Surrey Police.
- Surrey Heartlands CCG.
- Probation.
- Surrey Fire & Rescue Service.
- Voluntary Action Surrey East

Each year the partnership identifies key priorities to be addressed and detailed action plans are drawn up for each area.

16. Reporting and monitoring

Reports on the number of ASB cases and trends will be produced quarterly. A performance report is presented to the Community Services Committee on a quarterly basis.

An annual report is presented on all aspects of Community Safety at the Community Services Committee.

17. Support for victims and witnesses

The Council recognises ASB can have a severe impact on its victims and is committed to supporting those impacted by it, including any witnesses to ensure they and the issues they raise are treated fairly, with dignity and respect in confidence and in a timely manner.

The Council aims to create an environment where anyone reporting incidents of ASB feels safe and secure in coming forward to provide the required evidence and able to work with the Council and its partners to reach a resolution.

Support for victims and witnesses includes:

- Providing a clear understanding of the process, choices and options available.
- Ensuring that the wishes of the victim are taken into account.
- Ongoing support, keeping them informed of any related developments.
- Regular communication with the victim and witnesses.
- Referral to appropriate support agencies with the victim’s consent.
- Prompt responses to reports of ASB with early intervention actions.
- Treating victims and witnesses sympathetically and sensitively.
- The issue of diary sheets where necessary (or other appropriate recording means) to record future incidents.
- Working with the police to help prevent further intimidation.

18. Contacting alleged perpetrators

Where the identity and contact details of the perpetrator are known, the lead officer will make a judgement call as to whether to contact with them early in the case or wait until the evidence-gathering period has concluded.

Where required the lead officer will arrange to interview the alleged perpetrator, ideally in the Council Office with a second person present (another council officer, police officer or specialist professional). If the interview is to be conducted at the perpetrator's home, all necessary risk assessment checks are to be carried out before visiting with a second person.

Information will be provided to the alleged perpetrator and an opportunity to explain their version of events and account for the alleged ASB. Full notes of the interview will be taken and case notes updated as required.

19. Legislation and policies

The legislation and policies below give the Council a range of powers to respond to and act on anti-social behaviour.

The Anti-social Behaviour, Crime and Policing Act 2014 contains the powers for making and enforcing orders including, civil injunctions, criminal behaviour orders, community protection notices, public spaces protection orders, closure powers and absolute ground for possession.

The Housing Act 1985 deals with possession on ASB grounds and the Housing Act 1996 to grant introductory tenancies and demote existing secure tenancies.

The Crime and Disorder Act 1998, including section 6, deals with duty of a local authority to formulate and implement a strategy to reduce crime and disorder in its area and section 17, in exercising its functions to do all it reasonably can to prevent crime and disorder in its area.

The Environmental Protection Act 1990 give the Council a range of responsibilities to deal with environmental crime ASB, such as noise, litter, bonfires, dumped rubbish and abandoned cars.

The Equalities Act 2010 and the Human Rights Act 1998 have to be taken into account in assessing harm of behaviours to victims and in deciding what action is proportionate to take against perpetrators.

20. Publicity

The Council may publish cases of businesses and individuals if successfully prosecuted for environmental and antisocial behaviour offences. Names of companies and individuals convicted of such offences may be published on the Council's website.

21. Changes to the policy

The Council will ensure this policy is reviewed annually and as necessary considering any changes in legislation, case law and guidance.

22. Complaints procedure

Details of the Council's [complaint procedure](#) are available online.

23. Supporting policies

- Housing ASB Flowchart and ASB policy
- Safeguarding Policy
- Enforcement Policy for Environmental Health
- Statutory Guidance for Frontline Professionals March 2023 [Regulation of Investigatory Powers Act 2000 \(RIPA\)](#)