

Merton Council Anti-Social Behaviour Team

Policy and Procedure

May 2024

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1.0 Strategic Overview

The London Borough of Merton's Anti-Social Behaviour policy sets out our vision to achieve Civic Pride and deliver the ambitions of the Community Safety Partnership priority to tackle, disrupt and reduce ASB, crime and violence in Merton. This is so those living, visiting, and working in the borough feel safer. This includes dealing with perpetrators and using enforcement action where necessary.

Our approach is comprised of four key stages:

- **Prevention**
- **Early intervention**
- **Support**
- **Enforcement**

These stages apply across all anti-social behaviour. Each incident will be assessed on a case by case basis. Depending on the severity of the anti-social behaviour and the impact on the community, progression from stage to stage will not always be necessary.

2.0 Policy Statement

This document explains what 'anti-social behaviour' (ASB) means and sets out the principles the Council applies when responding to a report of ASB. It explains how the Council responds when people experiencing ASB contact us for help and the service standards we will provide.

3.0 Definitions of Anti-Social Behaviour

The definition of ASB is:

- (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 of residential premises, or
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person.

3.1 Types of Anti-Social Behaviour

Merton Council recognises that ASB can mean different things to different people and may or may not include criminal activity.

Types of behaviour that the Council may consider to be anti-social include:

- Vandalism and verbal abuse
- Rowdy or inconsiderate behaviour (This refers to general nuisance behaviour in a public place or a place to which the public have access, such as private clubs. It does not include domestic-related behaviour, harassment or public disorder which should be reported as crimes).
- Drugs and alcohol misuse and paraphernalia

- Prostitution
- Begging or Vagrancy

3.2 Types of behaviour the ASB Team will NOT investigate

- Living noise for example:
 - Noise from children running and playing
 - Noise from opening and closing cupboards
 - Noisy washing machines and toilets flushing
 - Loud music, television, and loud conversations from the adjoining property
- Fly tipping and rubbish left outside of a neighbour's property
- Animals fouling, rodent infestations and feeding of birds
- Cooking smells
- Children playing ball games
- Parking issues
- Disagreements and civil disputes between neighbours, for example over boundaries or shared driveways, or between those living in the same property including houses of multiple occupancy (HMOs)

When determining if a reported problem is ASB, Merton Council ASB officers will exercise professional judgement based on the definition and type of report. If an officer determines that the complaint does not constitute ASB, they will inform the complainant at the earliest opportunity, advising them that no action will be taken regarding ASB enforcement. The officer will provide advice and make referrals or sign post to other services if appropriate.

4.0 Your responsibility as a resident

The Council expects its residents and other visitors to the area not to engage in Criminal or Anti-social Behaviour, to respect others and act responsibly.

5.0 Prioritising cases

Merton Council will prioritise reports of ASB involving the use or threatened use of violence to person or property and/ or reports involving significant harm or risk of harm to individuals, families, or neighbourhoods e.g., hate incidents where we will make urgent contact with the complainant and consider applying for an Injunction without giving prior notice to the perpetrator. This would be considered a high priority case and contact will be made within 24 hours (Monday – Friday).

All other reports of ASB will involve a standard response time of five days and these cases will usually involve informal actions, such as an interview with the alleged perpetrator, to try to resolve the report of ASB without the need for further intervention. When individuals fail to change their behaviour despite being given the opportunity to do so and their behaviour continues to have a negative impact upon the quality of life of another person, the officer may decide that it is appropriate to take legal action.

Officers will review the approach to a case dependent upon what is reported to them, and any other new information presented to them. A standard response case may become a priority case and vice versa.

6.0 Reporting ASB

The ASB team will be the single point of contact for ASB (types listed in 3.1) complaints received via its reporting mechanisms. In addition to assessing the case as outlined in section 3 above, officers in the team will make any necessary referrals to other Council services or to external organisations.

When dealing with a case where either the complainant or the alleged perpetrator is a tenant of a social housing provider or Registered Social Landlord, the investigation will be led by that organisation. There might be cases where Merton ASB team will assist and provide support.

7.0 Complainant (victims/witnesses)

Complainants (victims and witnesses) are at the centre of the action we take to investigate and resolve reports of ASB. All complainants will be provided with a named officer who will be responsible for investigating their report. Support to complainants will be assessed individually with each complainant that engages with us to ensure that the support offered is tailored specifically to individual needs.

A victim centred approach is taken, which means that in addition to considering the type of ASB, we will consider the impact that ASB is having on individuals, families, and neighbourhoods to understand the harm that is being caused. This will be done by carrying out a risk assessment which may lead to further actions being agreed to manage/minimise risk. These actions may include but are not limited to referrals to other agencies including Social Services, Youth Services, Police, drug and alcohol services and Victim Support.

8.0 Support for vulnerable perpetrators

It is recognised that some perpetrators may have support needs. When we are made aware by the perpetrator or by any information made available to us that a person has or may have a support need, we will explain our concerns and invite the perpetrator to discuss their needs with us and seek their consent to make referrals to appropriate Council departments e.g. Social Services or Mental Health services, or external organisations on their behalf if appropriate. If the perpetrator is already engaged with a support service, we will discuss with the perpetrator about sharing relevant information with the support service. We reserve the right to make a referral to Children, Schools and Families, Adult Social care, or the Police, including a safeguarding referral without consent, based on safeguarding legislation and/ or for the purpose of preventing crime and disorder.

When the perpetrator of the ASB is a child or young person, we will attempt to engage with their parents or guardians and work closely with Childrens, Schools and Families and Youth Services to offer appropriate family support.

If a perpetrator refuses to or stops engaging with an appropriate support service without a reasonable excuse, or if they accept support but the ASB continues, the Council will explore further intervention before considering taking legal action.

If the Council decides to apply for an Injunction, we will consider applying for a positive requirement for the perpetrator to attend an assessment and/ or engage with a specific Council department or external organisation. In some priority cases, when a decision is made to apply for urgent legal action, an invitation to the perpetrator to discuss any support needs may take place after the legal application has been made.

If during the time the ASB report is open to the ASB team we are made aware that the perpetrators needs have changed, we will consider this new information and offer to make any further appropriate referrals.

We will carefully consider and justify our actions, with a focus so as not to disadvantage those protected by the Equality Act 2010.

9.0 Preventive Action

Whenever possible the Council will take action to prevent ASB from happening in the first place. Examples of how we may do this include, but are not limited to;

- Visible CCTV
- Working with agencies to identify areas of concern and planning coordinated targeted actions.
- Prevention programmes and support the delivery of targeted youth provision
- Visible joint patrols
- Consider any environmental improvements that may reduce the likelihood of ASB taking place, like improved street lighting.
- Deliver training to agencies/partners and community groups regarding ASB and community safety issues.

10.0 Informal Action

The Council's aim is to intervene early to stop and prevent cases of ASB escalating.

The informal interventions that may be considered are;

- Mediation - an early intervention tool to support parties to resolve a conflict or dispute
- Providing information and advice
- Interviews – where an investigating officer assesses whether an incident of ASB has taken place
- Warnings (Inc. Community Protection Warnings) – where an investigating officer, on the balance of probabilities, is satisfied that an ASB incident has taken place and will therefore explain the consequences of continuing to act in an anti-social manner

- Acceptable Behaviour Agreements / Contracts – an agreement with an individual which sets out what they will or will not do in the future. The investigating officer may also include any actions they may take i.e., referral to a support service
- Referrals to other council departments/ partners/ support agencies

11.0 Formal Action

The Council may consider taking legal action when ASB continues following an attempt to resolve the ASB informally. In priority cases involving the use or threat of violence towards person or property and or where there is serious risk of harm, we may not take any informal actions and instead take legal action in the first instance. Examples of legal actions that we may consider include;

- Community Protection Notices
- Fixed Penalty Notices
- Criminal Behaviour Order
- Injunction
- Premises Closure Order
- Any other legal action which could be taken with the support of the Police/ Crown Prosecution Service.
- Public Spaces Protection Order (PSPO) - We will use PSPOs when it is considered the most appropriate tool to address a place based ASB issues and work with the Police to consider other potential solutions such as use of the Dispersal Power or Restraining Orders. We would wish to obtain agreement with complainants about the actions to be followed.

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.

In some circumstances and if the situation is appropriate, the Council may be unable to progress an ASB case if a complainant refuses early intervention actions. Ultimately, the Council will decide and take whatever action it considers to be most appropriate.

12.0 Publicity

Publicity is an essential part of tackling ASB in terms of:

- Reassuring the community that the Council and partners work together and take reports of ASB seriously.
- Reassuring complainants, witnesses, and the wider community that successful action has been taken to tackle ASB.

- Publishing individual cases so that breaches of orders obtained can be reported to the relevant organisation.
- Making it clear to perpetrators that the Council will not tolerate ASB and will take action to protect others.

In circumstances when a Court has not imposed reporting restrictions, and the Council considers it to be necessary and proportionate, a press release or other publicity material, such as an information leaflet, may be issued when the following orders have been granted or a Notice has been served. The Council may also issue a press release if the Court finds that any of these Orders/ Notices has been breached:

- Final Injunction Order
- Final Criminal Behaviour Order
- Premises Closure Order
- Community Protection Notice

The press release will be factual and may give the name, age, and address of the individual against whom the Order has been made or the breach occurred, the ASB they have been involved in and the terms of any Order or sentence. The decision to publicise will be considered carefully based on the facts of each case. The Council will consult with relevant partners such as the Police and the Children, Schools, and Families dept if an individual is engaged with services, to consider the following:

- Whether or not the court imposed any reporting restrictions
- The circumstances of the case
- The need for the public to be made aware of the order
- The need to publicise personal information.
- The vulnerability of the individual
- Any likely consequences of publicising the order
- Where and how the order will be publicised.

The final decision to publicise an Order will be made by the Head of Service. The Council may also engage other types of media coverage as deemed to be appropriate.

13.0 Multi Agency Working

Often, ASB cases require involvement from other Council departments and other agencies. We work closely with enforcement agencies such as the Police, Registered Social Landlords and other local authorities. It may be that these agencies have access to a more appropriate tools and powers. We also work with support services including services within the Council's Children, Schools, and Families dept and Adult Social Care including Safeguarding teams, Education, Health (including Mental Health) and Youth Services. We also work closely with our Public Spaces dept regarding ASB concerns in parks and green spaces.

We recognise that both complainants and perpetrators may have support needs and we want to offer referrals to support services when appropriate. We may work with other partners such as the London Fire Brigade (LFB), National Probation Service and voluntary organisations, when a specific issue arises e.g., an allegation of young people setting fires would involve us liaising with LFB.

We may discuss reports of ASB at a multi-agency forum to ensure that a coordinated response is taken involving the relevant partners to resolve the anti-social behaviour problem. Types of forums in Merton include:

- Partnership Tasking meeting
- Community Multi Agency Risk Assessment Conference (CMARAC)
- ASB Case Review
- Multi Agency Child Exploitation (MACE) strategic and operational panel.
- Locations Board
- Domestic Violence Multi Agency Risk Assessment Conference (DV MARAC)
- Integrated Offender Management (IOM)
- Ad-hoc meetings to discuss individual cases.

14.0 Information Sharing

We can only tackle ASB by working with our partner agencies and a key element of this approach is the sharing of information. Information is shared lawfully, in line with Data Protection Act 2018 and Human Rights Act 1998.

To achieve this, we have agreed to share information with members of other agencies in accordance with our information sharing protocol. Members include other departments in the London Borough of Merton, Registered Social landlords, Police, Probation Service, Health Authority, Magistrates Court, and other relevant agencies.

All sharing of information will be conducted in accordance with relevant legislation.

Storing of Data

Information relating to ASB cases is stored on a secure purpose built web based case management system with restricted access. Data is stored for a seven year period in line with the Council's agreed retention policy for ASB cases.

15.0 Relevant Legislation

- Crime and Disorder Act 1998
- Anti- Social Behaviour, Police and Crime Act 2014
- Data Protection Act 2018
- Freedom of Information Act 2005
- Equality Act 2010

- Human Rights Act 1998
- Working together to Safeguard Children 2023
- Care Act 2014

16.0 Review of Policy and Procedures Statement

This policy and procedure will be reviewed annually or in line with changes in relevant legislation.

To make a report of ASB you can contact the ASB service via: ASBUnit@merton.gov.uk