



Anti-Social Behaviour Policy



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1.0 Introduction

St Albans City and District Council (SADC) are committed to supporting our residents who experience anti-social behaviour (ASB). We are also committed to reducing anti-social behaviour in the district, ensuring that it is a safe place for you to live, work, and visit.

The terms 'we', 'us', and 'our' refer to St Albans City and District Council (SADC).

The terms 'you' and 'your' refer to Council tenants, leaseholders, licensees, visitors, and residents.

St Albans City and District Council take all reports of anti-social behaviour very seriously. We want to help ensure that you can live free from:

- Fear
- Intimidation
- Harassment
- Abuse

This policy covers all areas of the Housing department who deal with anti-social behaviour.

There is not a broadly accepted definition of anti-social behaviour. However, SADC has decided to adopt the meaning set out in the Anti-Social Behaviour Crime and Policing Act 2014. This 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 of residential premises, or
- c) Conduct capable of causing housing-related nuisance or annoyance to any person

This can therefore cover a wide range of behaviours, which are tackled by a variety of Council departments, as outlined in the table below.

Anti-Social Behaviour Team	Neighbourhood Team	Legal, Democratic, and Regulatory Services
Drug dealing/supply/cultivation	Noise nuisance – council tenants only	Amplified music – all tenures
Actual violence and / or threats of violence	Fly-tipping on housing land or in council owned properties	Fly-tipping
Cases involving multiple perpetrators	Nuisance pets, banned breeds, dog fouling, noisy pets, non-domestic animals, hoarding pets	Noisy building works
Threats to Housing Related Council staff and Contractors	Car repairs/nuisance from the use of a vehicle	Nuisance bonfires
Serious criminal activity	Neighbour disputes	Nuisance dogs and dogs fouling (non-housing land)
Responding to Police and other intelligence e.g. MAPPA	Personal drug use	Unauthorised Encampments
Hate Incidents and Crimes	Unauthorised vehicles on housing land	

This policy applies only to the behaviours dealt with by the Anti-Social Behaviour and Neighbourhood teams, as outlined in the table above.

It is very important that a distinction is made between conflicting lifestyles, everyday household noise and persistent and serious misconduct. The Council may receive reports of behaviour that one household considers anti-social, but which may be considered normal living noise by another. The Council therefore must take a balanced approach, acting when behaviour falls outside the range that a 'reasonable' person may find acceptable. It also needs to be made clear that the Police are responsible for

responding to crime, but that the Council may be able to assist in providing a long-term solution to persistent issues.

Part 1 – Background

2.0 Anti-Social Behaviour Charter

The Council has signed up to the Chartered Institute of Housing Anti-Social Behaviour Charter and therefore our approach and this Policy, incorporates the core commitments of this charter as below:

- We demonstrate leadership and strategic commitment
- We provide an accessible and accountable service
- We take swift action to protect communities
- We adopt a supportive approach to working with victims and witnesses, taking a victim centered approach
- We encourage individual and community responsibility
- We have a clear focus on prevention and early intervention
- We ensure a value for money approach is embedded in our service

3.0 Council Tenancies

Every SADC tenancy has conditions that tenants agree to follow when they sign their tenancy agreement. As well as outlining our conditions as a landlord, the tenancy covers how rent should be paid, how the tenant should treat their property and the kinds of behaviour we consider to be a breach of the tenancy. This gives us contractual grounds to tackle any nuisance or anti-social behaviour.

All new tenants to the Council, who are not transferring from another social landlord, are given an Introductory Tenancy that lasts for at least 12 months. After this period,

provided legal action for possession has not been started, or an extension to the 12-month period has not been applied, a secure tenancy will be granted.

If possession proceedings are commenced against an Introductory Tenant and this action is considered necessary and proportionate by the court, then it is mandatory that the court awards possession of the property.

3.1 Tenancy Conditions

SADC is committed to reducing anti-social behaviour in the district, ensuring that it is a safe place for you to live, work, and visit.

The current Council tenancy conditions set out in the tenancy agreement that cover the main forms of anti-social behaviour are:

5.7 Your behaviour

As well as being responsible for your own behaviour, you are also responsible for the behaviour of anyone else living in or visiting your home. This includes the areas you share with other households or areas around your home and estate.

5.7.1 You must not abuse, harass or intimidate (physically, verbally or in any other way) any council member, employee or contractor we have employed, or any other person lawfully in the area, or behave in a way which is likely to cause alarm or distress to any council member, employee or contractor or any other person lawfully in the area.

5.7.2 You must not carry out, or allow anyone living with you to carry out, any form of harassment or other anti-social behaviour.

5.7.3 You should not recklessly or deliberately make noise that causes or is likely to cause a nuisance at any time. In any case, you should only use equipment which makes a noise (e.g. washing machine or DIY equipment) during the daytime and not late at night (after 10:00pm) or early in the morning (before 08:00).

5.7.4 You must not allow any visitors to carry out any form of harassment or other anti-social behaviour.

5.7.5 Harassment or antisocial behaviour is any act or failure to act which interferes with the peace and comfort of our employees, members or contractors, other residents or any other member of the general public.

It includes (but is not limited to) the following:

- *Harassing someone because of their age, sex, race, colour, religion, culture, sexuality, disability or lifestyle.*
- *Being violent or threats of violence.*
- *Being abusive or using insulting words or behaviour.*
- *Being offensive*
- *Damaging, or threatening to damage someone else's property.*
- *Writing graffiti, particularly graffiti that is abusive, threatening, offensive, or insulting.*
- *Making unnecessary or excessive noise, including arguing and slamming doors, playing a musical instrument, or playing music or having your TV so loud that it can be heard outside your home.*
- *Using, or allowing someone else to use, the property for handling or storing stolen goods.*
- *Any nuisance or annoyance caused by pets including barking or not cleaning up after your pets.*
- *Playing ball games close to someone else's home.*

5.7.6 You must not commit, or allow anyone who lives with you to commit, an arrestable offence in the area your home is in.

5.7.7 You must not use the property, or allow anyone else to use the property, for any illegal activity (this includes selling, storing or taking drugs, prostitution and storing stolen goods).

5.7.8 You must not keep or allow anyone else to keep unlicensed firearms or any illegal weapon in the property.

For more details related to tackling the breach of Council tenancies please see part 2 'Taking Action'.

4.0 Hate Incidents and Crimes

Hate related incidents are any criminal offence which is perceived by the victim or any person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

St Albans City and District Council does not tolerate hate crimes and hate-related incidents and ensures that any incidents are taken seriously. SADC will ensure robust action is taken against any perpetrators, and support is provided to victims. Consideration will also be given to offer support to perpetrators where this is felt to be a long-term solution to persistent anti-social behaviour.

4.1 Harassment

St Albans does not accept harassment of any kind, be it for example on the grounds of race, religion, sexual orientation, gender, disability or domestic abuse. If anyone involved in a case of harassment feels there is a racial element, then the case will be treated as racial harassment.

5.0 Equality Act 2010

Under the Equality Act (2010), the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED).

Through this duty, the Council will carry out its functions in a way that:

- a) Eliminates unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act
- b) Advance equality of opportunity between people who share and people who do not share a relevant protected characteristic
- c) Foster good relations between people who share and people who do not share a relevant protected characteristic

An Equality Impact Assessment (EIA) has been carried out during the development of this policy. The EIA highlighted that:

As well as providing a framework to ensure Council services are not provided in a discriminatory manner, this also outlines the approach to be taken when considering legal action against a person who has a protected characteristic. This requires that we:

- Demonstrate that we have taken any protected characteristics into account when deciding to proceed with legal action.
- It has concluded that legal action is needed because of the anti-social behaviour on both the health of the victim and/or perpetrator.
- Ensure the legal action is a proportionate response to the anti-social behaviour.

Therefore, it is very important that all staff consider the above points and take all possible actions throughout the progress of a case.

Such cases should always be discussed with senior officers before proceeding.

6.0 Support Services

Many cases can be resolved through the effective and timely use of intervention and support services, notwithstanding that our main priority will always be the protection of residents and witnesses.

Families First is a service that offers early help to support a child, young person, or family at the early stages of the problem. It enables families and professionals to work collaboratively to try and resolve any rising issues. Further information regarding Families First can be found here <https://www.hertfordshire.gov.uk/microsites/families-first/families-first.aspx>

When young people commit anti-social behaviour there may be a variety of reasons for this. We will always try to meet face to face to undertake an assessment of circumstances. We will then undertake a parallel approach to protect residents whilst working with Hertfordshire County Council Targeted Youth Support Services to provide support to the young person.

Where appropriate, cases will be referred to the Community Mental Health and Community Learning Disability Teams for support and advice to both witnesses and perpetrators. Adequate time should always be given for this support to take effect. However, as cases progress it may be necessary to take legal action to protect residents and witnesses. Please see the guidance under 'Equalities Act 2010' above.

6.1 Community Drug and Alcohol Teams

Assistance for perpetrators who have drug and/or alcohol problems can be sought from the Community Drug and Alcohol Teams, the NHS Single Point of Access team, and Crime Reduction Initiatives (CRI). There is also support available via the local night

shelters. This is to help address anti-social behaviour which may be linked to street homelessness. As mentioned above, however, it may still be necessary to undertake legal action to protect residents and witnesses.

6.2 Tenancy Sustainment

St Albans City and District Council has a Tenancy Sustainment Team, who are able to offer more specialised support to tenants to help them achieve a successful tenancy, maintain the terms of their tenancy agreement, and live safely and independently in their homes. The Community Protection Team will work closely with the Tenancy Sustainment Team to tackle anti-social behaviour and provide support to tenants and residents where appropriate. The Tenancy Sustainment Team will provide financial advice, help maximise tenants' income, provide advice regarding benefits issues, help attain grants for white goods and signpost to support agencies for mental health, addictions, bereavement, employment. Housing Officers can also refer to Tenancy Sustainment for specialised support and anti-social behaviour.

7.0 Diversionary Projects

The Council and Community Safety Partnership assist a number of projects via funding and staff time. These include the Watford FC Onside football scheme which currently provides weekly football sessions for young people at six sites across the District.

Along with this, the Council also jointly fund sessions in schools focusing on gang and knife violence through the charity Growing Against Violence.

7.1 Morgan Sindall Social Value Scheme

One of SADC's contractors Morgan Sindall run a Social Value Scheme which supports the local community, by offering them employment opportunities, resident training, employability support, and apprenticeships. Morgan Sindall collaborates with partners to provide training, work placements, and job opportunities for those who face barriers in gaining employment. They also offer the opportunity to volunteer.

More Information can be found on the Council's website:

<https://www.stalbans.gov.uk/about-us>

8.0 Information Exchange

St Albans Council exchanges information with various agencies when it is appropriate to tackle anti-social behaviour and/or prevent and detect crime, whilst complying with the relevant legislation. As detailed in the section on witness management, permission will normally be sought from witnesses before disclosing information to other agencies. However, if the exchange is needed for the prevention or detection of serious crime or to prevent abuse, this exchange may take place without permission or prior notification.

The information that may be shared is detailed below:

- Name and address of witnesses and complainants.
- Details of anti-social behaviour complaints.
- Details of addresses possibly used for dealing drugs.
- Intelligence concerning certain offenders/perpetrators.
- Children and adults at risk of significant harm.
- Racial and other harassment details.

Part 2 - Taking Action

There are many actions that can be taken both from enforcement and preventative angles.

In all but the most serious of cases, a mixture of approaches will be considered and implemented where possible, to try and solve the problem.

In certain cases, we will receive a series of allegations and counter-allegations, with no witnesses or independent evidence. As mentioned on page 5, a balanced approach will be taken based on the information available. If it is not possible to identify a clear perpetrator, mediation or restorative justice may be the only actions available. Please see the relevant sections below for further details.

9.0 Supporting Witnesses

How witnesses are supported is very important. In many cases they will be concerned about repercussions and the legal process. The Anti-Social Behaviour Team will undertake a face-to-face discussion for all new cases whenever possible. The Anti-Social Behaviour and Neighbourhood Teams will complete a witness risk assessment (Appendix 1) for all cases, to identify any vulnerability at the earliest possible stage.

Once this assessment is completed, it is important that a plan of action is discussed, outlining the realistic outcomes and options available.

Feedback from residents has highlighted that it is important to provide updates as the case progresses and when key actions are taken, such as service of a Notice of Seeking Possession (NOSP). This ensures witnesses have full information, which increases their confidence levels and also helps to prevent any misunderstandings.

It is possible to exhibit witness statements from residents as 'hearsay'. This means Officers will present the statements on the witnesses' behalf, avoiding the need to attend court. In extreme cases this can be done anonymously. Clear reasons need to be given as to why the witness does not want to attend court. It does need to be made clear that hearsay evidence can seriously affect the chance of success at court.

Information provided by witnesses is kept confidential and is normally only disclosed to other agencies with permission, which is obtained via a signature on the risk assessment form. However, information may be disclosed to the Police or Social Services without permission or prior notification, if it is needed for the prevention or detection of crime, or to prevent abuse.

We may release a limited amount of personal data if we consider it is appropriate to share this in dealing with a particular case.

The Council's Housing Review Panel can consider requests for awarding extra priority to a transfer application. Unless there are exceptional circumstances, priority will not be awarded if the Council has not had the opportunity to take reasonable action and if the request is not supported by a Police Neighbourhood Team Sergeant or above. Any priority banding awarded for an urgent move will be removed if the problem ceases or if an offer of accommodation is deemed to have been unreasonably refused.

When appropriate, we will publicise the results of actions we have taken.

10.0 Initial Contact

All Officers will accept reports of anti-social behaviour on the phone, during interviews, by letter, email or incident log. Officers will obtain as much detail as possible, for example, date, time, names or descriptions of persons involved.

SADC Officers will speak to witnesses over the phone to obtain initial details. Arrangements can be made to discuss in person if necessary.

Community Protection and Housing staff will complete a witness risk assessment for all new cases.

All Officers will respond to routine reports of anti-social behaviour within **3 working days**.

All Officers will respond within **24 hours** to reports:

- Involving high risk/vulnerable witnesses and victims.
- Of violence, and threats of.
- Drug dealing.

Once sufficient information is received, all Officers will explain to the witness the proposed course of action. Officers will outline clearly the action we can and cannot take based on the available information.

If there is a group of residents reporting problems, arrange a meeting. This can greatly build confidence, increase the chance of success at Court and increase the resilience of the community on a long-term basis.

11.0 Actions

There is not a set process outlining the order in which these actions will be used. This will depend on the circumstances of each individual case.

11.1 Telephone call/Letter/Interview

Initially, we may make contact with the alleged perpetrator by way of a phone call, letter or interview and in a large proportion of cases this does resolve matters. In all but the most serious cases, we will attempt to obtain the other party's side of events. It is quite common to receive counter allegations. This action may take place on various occasions as a case progresses.

Officers will always advise alleged perpetrators that legal action may be taken and will advise them to seek independent legal advice.

Joint visits and interviews may also take place with Police, Social Workers and other agencies, when appropriate.

11.2 Mediation

In many neighbour disputes, mediation may be the first and only action that the Council can recommend. Mediation allows people to discuss their differences in a controlled manner to try and come to an agreement, without resorting to legal action. This is free, and ideally agreed by all parties for mediation to commence.

Mediation is particularly suitable in neighbour disputes where complaints and counter complaints are received and in cases where the problem appears to be a clash in lifestyles. In some cases, we may not agree to take any further action unless mediation has been first tried. For more information, see Case Closure, page 19.

11.3 Restorative Practice

Neighbourhood Officers and Anti-Social Behaviour Officers can be trained to undertake Restorative Practice. This is similar to mediation but is much quicker and can be used in cases where it is unclear if there is a clear perpetrator. As with mediation, we may not agree to take further action unless this is attempted. The process is free, and both parties must agree before the process can commence.

11.4 Acceptable Behaviour Contracts (ABC)

An Acceptable Behaviour Contract (ABC) is a document drawn up with the Council, and the Police which contains a list of behaviour that someone who is committing or suspected of committing anti-social behaviour signs to agree they will no longer commit. Most often, these are used for youths and a parent or guardian will also sign. Other agencies such as Social Services, Targeted Youth Support Services may also sign.

The conditions will depend on the circumstances of the case but generally they will cover behaviour that needs to cease. For example, not to throw stones at windows or not to enter property without permission. ABCs have been very successful in dealing with youth nuisance and do not give the young person a criminal record.

Some subjects of ABCs do not alter their behaviour and further action then needs to be considered. Although an ABC is not a legally binding document, it does detail that if the conditions are broken and nuisance, alarm or harassment occurs, then criminal proceedings, possession proceedings, community protection warning, or an injunction may be considered. If the person does not sign an ABC, this can be used as evidence of failure to co-operate in times where further action is taken.

11.5 Injunctions

It is possible for the Council to apply for injunctions to prevent certain behaviours or to prevent people from entering certain locations. The behaviour needs to be serious enough to warrant an order being made and it must be 'just and convenient' to grant the order. For matters relating to the management of council tenancies, the threshold is behaviour that has caused nuisance and annoyance. For non-council tenancies, the threshold is behaviour that has caused harassment, alarm or distress.

Breach of an injunction is contempt of court, which is not a criminal offence. However, a prison sentence can be ordered for repeated breaches. Where there has been violence, threats of violence or there is a serious risk to health from the behaviour; a power of arrest for a breach can be attached. It is not possible for evidence of a breach to be given anonymously. It is possible to apply for mandatory possession of a council tenancy where there have been injunction breaches.

11.6 Suspension of the Right to Buy

The Right to Buy can be suspended by the County Court if the Council can show that the tenant, someone living in, or someone visiting the property in question has engaged or threatened to engage in conduct which has caused or is likely to cause harassment, alarm or distress. The suspension period is any length of time which is considered reasonable.

11.7 Possession Action

The majority of anti-social behaviour cases can be resolved by intervention by the landlord, partner agencies, and residents themselves. However, enforcement action may be necessary where these interventions have been unsuccessful, the ASB continues, or there is a threat to the individual or community.

Generally, SADC can apply for possession when there have been serious breaches of the tenancy, a perpetrator has been established, along with other actions such as mediation has been tried and has failed. In very serious cases, we may apply to court straight away.

If a tenancy is introductory, a Notice of Intention to Seek Possession (NISP) is served. The tenant then has time to ask for a review of the case. If the review is successful, the case is suspended. If the case is unsuccessful, the case proceeds to court.

If the Council does apply to court with an introductory tenancy, and the application is reasonable in the circumstances, then the court should award possession of the property. The case should not be suspended or postponed to another time. Once possession has been awarded, the Council can then apply for an eviction warrant when appropriate.

For secure tenancies and in all but the most urgent cases it is necessary to serve a Notice of Seeking Possession, a NOSP. The NOSP gives the tenant four weeks' notice that an application will be made to the court, or an application can be made to the court straight away – this will depend on the circumstances. When the case goes to court, a judge will decide the outcome.

The Judge may:

- Decide not to give an order, or 'adjourn' the hearing for more information, to give the perpetrator(s) a chance to change their behaviour or to explore other options.
- Give an order for possession. The Council can apply for an eviction warrant once possession is granted. For cases involving serious criminal behaviour and breaches of an injunction, it is possible to apply for mandatory possession.
- Give a suspended possession order, whereby the perpetrator must follow conditions set down by the Court. If the perpetrator does not follow the conditions, the Council can apply for an eviction warrant.
- It is also possible to 'demote' a tenancy. This means that the Council can apply to the Court for a Secure tenancy to be reduced to the status of an Introductory tenancy. This means that if serious anti-social behaviour persists, the Court has much less discretion in deciding whether to grant the Council possession of the property.

11.8 Community Protection Notice

This is a power that allows for Council or Police Officers to issue a notice (following a warning) if certain behaviours are taking place. The behaviour must have a detrimental effect on the quality of life of people in a locality, be of a persistent nature, and be unreasonable.

Breach of the notice is a criminal offence and is punishable by a fixed penalty notice or a fine. This notice does not replace or override the Council's responsibilities under the Environmental Protection Act 1990.

11.9 Public Space Protection Order

This is an order available to Councils that allow for restrictions to be placed on the use of public spaces. These orders are available when there has been behaviour that has or is likely to have had a detrimental effect on the quality of life of those in the locality; the behaviour is or is likely to be persistent, is or is likely to be persistent and justifies the restrictions imposed.

11.10 Criminal Behaviour Order

This partially replaces the Anti-Social Behaviour Order and allows for the Criminal Prosecution Service, (when prosecuting a case), to attach an order with conditions if the court is satisfied that the perpetrator has caused harassment, alarm or distress and that the order will help prevent this. It is important to note that the perpetrator needs to be convicted of an offence before a Criminal Behaviour Order can be applied for.

The Police or Council can ask the CPS for one of these orders. It is a criminal offence to breach this order, and they can last from a minimum of two years up to an indefinite period.

11.11 Closure Notice and Closure Order

This is a two-stage process that allows the Council or Police to close premises. The first stage is the service of a Closure Notice if use of the premises has resulted in or is likely to result in serious nuisance to members of the public.

This notice can last for 48 hours and once served, everyone apart from persons with a legal right to occupy the property must leave, or they will commit a criminal offence.

Unless the notice is cancelled, the case then is referred to the Magistrates Court to consider whether a Closure Order should be made. The Order prevents anyone from entering the property without the permission of the applicant and lasts for 3 months and can be extended to six months. Breach of the order is a criminal offence. Before making an order, the court needs to be satisfied:

- that a person has engaged or is likely to engage in disorderly, offensive behaviour on the premises, or
- that the use of the premises has resulted or is likely to result in serious nuisance to members of the public, or
- that there has been or is likely to be disorder near the premises,

associated with the use of the premises and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

12.0 Case Closure

The Community Protection Team regularly reviews open cases to see if they should be closed.

If there have been no complaints for several weeks and there are no legal orders in place, the case will normally be closed. This will involve sending a text message or an email to the witnesses involved, along with a satisfaction survey.

Cases may also be closed in certain circumstances where there are recent incidents. These cases can include:

- Long running neighbour disputes where it is impossible to ascertain the facts from a series of allegations or counter allegations, where mediation has been attempted and when the Council is powerless to improve relations.
- Cases where there is no evidence (that meets the civil balance of probabilities test) of behaviour requiring the Council's intervention.

Cases mentioned above could have involved Officers in numerous home visits, the use of noise monitoring technology, letters to other residents, mediation, and restorative practice. Support may continue to be provided in other ways, but the case will remain closed unless there is new evidence of significant nuisance.

13.0 Anti-Social Behaviour Case Review (Previously Community Trigger)

This is a review action that allows for anyone to ask for a case to be reviewed if a threshold is met. The local threshold is met if three reports are made from an individual about separate incidents within a six-month period or three individuals have separately reported incidents within a six-month period.

We will also consider requests for a review in the light of:

1. The persistence of the behaviour.
2. The harm or potential for harm.
3. The adequacy of the response.

The review is undertaken by Officers from the Council, Police and Housing Associations when relevant.

If you would like to request an Anti-Social Behaviour Case Review, please contact the Council on 01727 819416 or via email at CommunitySafety@stalbens.gov.uk

14.0 Monitoring

The Council has a case management package that allows all Officers involved to process and manage cases electronically. This package also allows for statistical reports to be produced.

The Council uses a customer engagement platform to monitor satisfaction with case handling upon closure of cases of anti-social behaviour for reporting purposes.

14.1 Complaints

If you are unhappy with the outcome of a case or wish for a case to be reviewed, please contact the Complaints Team at the Council via our website at:

<https://www.stalbans.gov.uk/complaints-and-compliments>

15.0 Review Period

The Anti-Social Behaviour Team Leader will review this policy when new legislation is introduced, or when there are significant changes to legal precedents, good practices or related policies.

This policy has been written to comply with the following legislation: The Children Act 1989, The Crime and Disorder Act 1998, The Disability Discrimination Act 1995, The Regulation of Investigatory Powers Act 2000, The Homelessness Act 2002, The Human Rights Act 1998, The Housing Acts 1985 and 1996, The Antisocial behaviour Act 2003, The Equalities Act 2010, and The Anti-social Behaviour Crime and Policing Act 2014.

