



**The London Borough of Barking and Dagenham**

# **Anti-Social Behaviour Audit and Strategy**

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December 2002



**The London Borough of Barking and Dagenham**

# **Audit of Anti-Social Behaviour**

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# Introduction

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Whilst most anti-social behaviour is not criminal, it has a huge impact on perceptions of crime and the public 'fear of crime'. In Barking and Dagenham, the public consultation carried out for the Crime and Disorder Strategy (2002 – 2005) showed that in many parts of the borough, resident's fears of becoming a victim of crime were disproportionate to actual recorded crime.

The fear of crime is 'perception' as apposed to 'reality', and many variables contribute to that perception, some of which can be targeted and removed. Anti-social behaviour is undoubtedly one of those variables. By combating the issues of anti-social behaviour we anticipate that there will be a reduction in the fear of crime.

The term 'anti-social behaviour' has many connotations, depending on where and who uses it. The Crime and Disorder Act 1998 defines anti-social behaviour as:

*"(acting) in a manner that caused or is likely to cause harassment, alarm or distress to one or more persons not in the same household as (the defendant)."*

The Chartered Institute of Housing Good Practice Guide (1995) defines it as:

*"behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community".*

The Collins English Dictionary defines it as:

*"contrary or injurious to the interests of society in general"*

All these definitions have a common theme. As a borough we have identified certain actions to be included under the umbrella of anti-social behaviour. These are:

- Noise
- Conflict (racial and harassment)
- Using and selling drugs
- Nuisance from vehicles (parking and abandonment)
- Disorder
- Community problems
- Disturbances in public places and licensed premises,
- Drunkenness.
- Criminal Damage
- Street Crime
- Assaults in public places
- 

Although criminal damage, the dealing and misuse of illegal drugs, street crime and assault in public place are specific offences, for the purpose of this audit we have included them as they contribute to the fear of crime and are perceived by those witnesses as anti-social behaviour.

There are various agencies that collate the information contained in this report. This document has pulled the information together to give an overall picture of the levels of anti-social behaviour in Barking and Dagenham. We will now establish our shortfalls and draft a strategy to redress any areas of concern, and make the London Borough of Barking and Dagenham 'Greener, Cleaner and Safer' for all it's community.

As a borough we are conscience that there are members of our community who have disabilities, mental health problems, challenging behaviour or personality problems which can manifest into anti-social or be perceived as anti-social behaviour by other members of the community. The London Borough of Barking and Dagenham is committed to provide special needs of support for people who fall into these categories.

# Anti-Social Behaviour Orders (ASBO's) & Acceptable Behaviour Contracts (ABC's)

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Barking and Dagenham has used Acceptable Behaviour Contracts to tackle anti-social behaviour. The first contract was issued in December 2000 and successfully changed the behaviour of the youth in question.

This year the Housing and Health Department is re-launching ABCs. The new contracts include a clause which relates to the Council's 'Conditions of Tenancy'. An information leaflet has been developed for youths asked to sign an ABC, and a new procedure for their use has also been implemented. By including reference to the conditions of tenancy the Acceptable Behaviour Contracts are now stronger because they make youths aware that action can also be taken against their parents' tenancy if they do not amend their behaviour.

There have been no Anti-Social Behavioural Orders to date in Barking and Dagenham. There is an 'Anti-social Behaviour Order Protocol' between the police and local authority, a copy of which is attached (appendix A). Consideration has been given re formal application on a number of occasions, but the problems experienced have been resolved in other ways.

The Housing Department have drafted An Acceptable Behaviour Contract, information leaflet on Acceptable Behaviour Contracts and a protocol on Acceptable Behaviour Contracts, all of which are attached (appendix B, C and D).

## Key Points

- ❖ No ASBO's have been issued to date in the Borough
- ❖ Four ASBC's have been issue with no breaches

# Disorder

The table below shows the all CAD Disorder calls recorded by the Metropolitan Police between January 2002 and July 2002. Only calls 'responded to' by the police are shown. This data only shows calls where no crime is recorded. Actual crimes are recorded using a different system.

<b>Police Disorder calls in Barking and Dagenham: January 2002 – July 2002</b>		
Offence	Number	ASB
Abandoned phone calls	5	
Abandoned Vehicle	1	**
Aircraft/railway incident	1	**
Assistance requested	4	**
Child at risk	3	
Civil dispute	81	**
Collapse/illness/injury	4	
Community problems	401	**
Criminal Damage	27	**
Damage only accident	1	
Disturbance in a public place	2505	**
Disturbance in a licensed premises	80	**
Disturbance in private premises	8	
Domestic incident	3	
Drugs	190	**
Drunkenness	101	**
Fire/gas/electricity	1	
Fraud and Forgery	1	
Hazard non-traffic	1	
Lost/found property	1	
Noise nuisance	53	**
Obstruction of road	3	**
Other inlisted crimes	7	
Other thefts	1	
Other traffic incident/hazard	2	
Other unlisted disorder/nuisance	4	**
Racial/ethnic	17	**
Sexual Offences	1	
Suspects armed (qualified)	5	
Suspicious incident/person/vehicle	26	
Threatening/obscene phone calls	1	
Traffic offence involved	3	
Violence Against the person	22	**
<b>TOTAL</b>	<b>3564</b>	

The areas marked \*\*are those considered as anti-social behaviour. They account for 97% of the calls.

The table below shows the total number of disorder calls recorded by the Metropolitan Police for each of the last three years.

<b>Disorder calls in Barking and Dagenham: April 1999 to March 2002</b>				
Year 1 1999 – 2000	Year 2 2000 – 2001	Year 3 2001 – 2002	% Change Y1-Y2	% Change Y2-Y3
8892	9612	6061	+8.1	-36.9

There are specific criminal offences which when they take place in public places would be perceived by those witnessing them as anti social behaviour. For that reason they have been included in this section. A three-year comparison of those crimes is shown below:

<b>Criminal Offences perceived as anti-social behaviour in Barking and Dagenham: April 1999 to March 2002</b>					
Offence	Year 1 99 – 00	Year 2 00 – 01	Year 3 01 – 02	% Change Y1-Y2	% Change Y2-Y3
Common Assault	1671	1999	2215	19.6%	10.8%
Harassment	403	560	580	39%	3.6%
ABH	709	625	619	-11.8%	-1.0%
Other Violence	191	152	199	-20.4%	30.9%
Street Crime	586	795	960	35.7%	20.8%
Criminal Damage to a dwelling	1041	1118	1009	7.4%	-9.7%
Criminal Damage to other Buildings	601	538	541	-10.5%	0.6%
Criminal Damage to Motor Vehicles	1621	1854	1680	14.4%	-9.4%
Other Criminal Damage	403	399	377	-1.0%	-5.5%
Drug Trafficking	32	29	40	-9.4%	37.9%
Possession of illegal Drugs	403	373	424	-7.4%	13.7%
Other Drug Offences	9	4	3	-55.6%	-25%

Arrests for drug offences have increased. There had not been a proactive police response to drugs in the borough due to lack of resources for a number of years, so drug offences have historically arisen from stops and arrest involving other offences. In the last year there has been an injection of funding from the 'Communities Against Drugs' initiative which has allowed the Police to do specific operations and target this crime. The outcome is a rise in recorded crime, and increase in positive anti-drug police action.

Violent crime against the person has risen. Criminal Damage has fallen and this could be a reflection on the increased police activity and initiatives taking place. Disorder figures show a substantial decrease. This also reflects the extensive amount of work being done in this area such as:

- ❖ There is a Disorder Working Group consisting of the Police, Local Authority and other agencies to co-ordinate action in hotspots where anti-social behaviour occurs.
- ❖ Council tenants have been formally warned for any anti-social behaviour committed by themselves and their visitors and a number have been evicted from their homes.
- ❖ Parents have received warning letters regarding the anti-social behaviour of their children.
- ❖ Action has been taken by the Police to remove and destroy alcohol being consumed by underage drinkers under the Confiscation of Alcohol (Young Persons) Act 1997.

- ❖ 'Operation Caretaker' has been implemented to reduce truancy from our schools.
- ❖ The introduction of an 'Acceptable Behaviour Contract Scheme' has helped deal with anti-social youths.
- ❖ A 'Youth Inclusion Project' has been established on the Gascoigne Estate to encourage young people, who are vulnerable to crime, to become involved in activities such as sports and music.
- ❖ A Police Town Centre Patrol has been developed in Barking Town Centre.
- ❖ CCTV systems are now in place on the Gascoigne Estate, Barking, and Ibscott Close, Dagenham, and are planned for other areas, for example, Chadwell Heath High Road.
- ❖ The use and supply of covert and mobile CCTV surveillance equipment has been used in identified areas of anti-social behaviour.
- ❖ There is a CCTV Working Group co-ordinating CCTV operations between the Police and Local Authority.
- ❖ There are a total of 74 CCTV cameras in operation in the Borough. These cameras monitor 5895 residential properties and 842 business premises 24 hours a day.
- ❖ The police have run 'Operation Seneca'. This was a six-week initiative involving mounted police; checks on buses, automatic number plate reading, helicopters, drug dogs and increased police presence in Barking Town Centre. 237 arrests resulted from the operation. For the last two days of the operation a crime prevention bus was sited in the borough to give advice and property mark mobile phones.
- ❖ The police have also run a 'Disorder Bus', which patrolled areas identified as 'hotspots' in the borough.

#### **Key Points**

- ❖ No ASBO's have been issued to date
- ❖ 4 ABC's have been issued, with no breaches of contract

# British Transport Police

Whilst not all offences recorded on trains and London Underground relate to anti-social behaviour, these are public places and offences in the vicinity are likely to be interpreted as anti-social if witnessed by another person. The table below shows incidents recorded by the British Transport Police.

<b>British Transport offences in Barking and Dagenham: April 1999 to March 2002</b>			
Type of Incident	1999 - 2000	2000 - 2001	2001 - 2002
Criminal Damage	41	69	59
Drugs	6	12	20
Trespass	4	6	9
Fraud	2	3	3
Public Order	8	9	4
Robbery	29	29	37
Sexual	9	6	3
Theft (passenger)	38	51	55
Theft (commercial)	11	12	12
Vehicle	2	4	4
Violence	30	44	17
Other	3	5	7
<b>TOTAL</b>	<b>183</b>	<b>250</b>	<b>230</b>

There are five London Underground stations in Barking and Dagenham (Barking, Upney, Becontree, Dagenham Heathway, Dagenham East) and two mainline stations (Barking and Dagenham Dock). Barking is a mainline and underground station. The following table demonstrates the breakdown of reported incidents per station for 2001 - 2002.

<b>British Transport offences in Barking and Dagenham: April 2001 to March 2002</b>							
Type of incident	Barking	Upney	Becontree	Dagenham Heathway	Dagenham East	Dagenham Dock	Total
Violence Against the person	7	0	2	4	4	0	17
Theft of Railway Property	9	1	0	0	1	1	12
Theft of Passenger Property	36	7	5	2	5	0	55
Sexual	2	0	0	0	1	0	3
Robbery	7	6	6	10	8	0	37
Public Order	3	0	0	1	0	0	4
Motor vehicle and cycle theft	2	0	1	0	1	0	4
Line of Route	7	0	0	0	1	1	9
Fraud	2	0	0	0	0	1	3
Drugs	17	0	1	2	0	0	20
Criminal Damage	27	8	10	3	8	3	59
Other	1	0	2	3	1	0	7
<b>TOTAL</b>	<b>120</b>	<b>22</b>	<b>27</b>	<b>25</b>	<b>30</b>	<b>6</b>	<b>230</b>

### **Key Points**

- ❖ 52% of all reported incidents occur at Barking station
- ❖ Dagenham Dock is in an industrial part of the Borough and has no housing estates surrounding it; it accounts for only 2.6% of reported incidents
- ❖ The highest reported incident is criminal damage, followed by theft of passenger property, robbery and then drugs.
- ❖ 41% of the respondents taking part in the consultation completed earlier this year felt most unsafe because of crime and anti-social behaviour at Barking station.
- ❖ Mobile CCTV has been deployed around Barking Station.
- ❖ The Metropolitan police have targeted Barking railway station with Operation Senneca.

# Racist Incidents

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Following the Local Government Association checklist based on the recommendation of the Stephen Lawrence Enquiry, the Borough has assessed its position in line with those recommendations. The results were published earlier this year in a report called 'Beyond Lawrence'. This report recommends we make each and every member of staff responsible and that equalities and diversity is included in everything that the Authority does.

Working together, steps have already put into motion to tackle racist incidents:

- ❖ We are in the process of introducing third party reporting for victims of racist incidents, homophobic crime and domestic violence.
- ❖ The Racist Incidents Panel has introduced a protocol whereby, with the consent of the victim, details of any incident are exchanged between member agencies. This allows us to see the broader picture and use a multi-agency approach to tackle the problem.
- ❖ Representatives from the partnership are involved in ongoing consultation with all known minority groups in the Borough.
- ❖ The Police set up a Community Safety Unit in 1999 to deal with all racist incidents.
- ❖ The Housing and Health Department and Social Services have a Housing Officer and a Social Worker based in the Community Safety Unit, to assist with information sharing and to provide victims of hate crime with a better, more coordinated service.

All these initiatives are ongoing and as the table shows below there has been a reduction in the number of incidents reported to the Metropolitan Police.

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## Racist Incidents reported to the Metropolitan Police in Barking and Dagenham: April 2000 to March 2002

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2000 – 2001	2001 – 2002	% Change
603	545	-9.6%

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### Key Points

- ❖ The number of racist incidents reported to the Metropolitan Police has decreased in Barking and Dagenham

# Vandalism

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The results from the public consultation completed in January 2002 for the Crime and Disorder Strategy showed that 41% of respondents believed vandalism to be the top priority for their local area. This was residents' major concern and was the most commonly cited concern.

Vandalism affects everyone in the community and is a highly visible form of disorder. The appearance of vandalism is detrimental to the environment and fuels the 'fear of crime'. The social costs are generally greater than the financial cost of repair.

The collation of data regarding the cost of vandalism is hard to access in this Borough. Various departments within the local authority register costs associated with this problem, but this information is recorded in different, non-compatible ways. There is a loophole here, which the authority needs to address to bring uniformity to the recording process. The consequence is that we can identify vandalism but we cannot quantify the cost.

There are recent initiatives in place, as discussed earlier in the report, which have had an impact on vandalism, for example:

- ❖ Operation Senneca run by the Police
- ❖ The Disorder Van also run by the Police

## Key Points

- ❖ 41% of residents surveyed in January 2002 cited vandalism as the top priority for their local area.

# Abandoned Vehicles

The public consultation showed that 34% of those taking part were concerned about abandoned vehicles. They were identified second only to vandalism as residents' top crime priority in their local area. The table below shows the levels of abandoned vehicles in Barking and Dagenham:

**Abandoned Vehicles in Barking and Dagenham: April 1999 to March 2002**

	Reported	Reported % Change	Removed	Removed % Change	% Removed
1999-2000	5294	-	1233	-	23.1%
2000-2001	6180	16.7%	2761	124%	44.7%
2001-2002	9153	48.1%	3883	40.7%	42.4%

The number of abandoned vehicles reported to the Local Authority is rising at a considerable rate each year. Since 1999, the number has nearly doubled. The amount of vehicles removed since 1999 has increased by 215%.

There have been positive steps in this area, which have contributed to the progress made:

- ❖ The creation of a team of officers to process dealing with the abandoned vehicles more effectively.
- ❖ New computer links with the DVLA to reduce waiting time for enquiries from 6 weeks to 36 hours.
- ❖ Introduction of a 'surrender scheme' whereby owners can arrange for the council to remove and dispose of defunct vehicles.
- ❖ The DVLA now issue non-tax notices on vehicles causing this offence.
- ❖ Joint initiatives with the Abandoned Vehicles team, the police and Estate Management to target areas with particularly large numbers of abandoned vehicles.

## Key Points

- ❖ The number of abandoned vehicles removed by the Local authority has increased by 215% since 1999.
- ❖ 34% of residents surveyed in January 2002 cited abandoned vehicles as the top priority for their local area.

# Noise and Other Nuisances

The Local Authority Housing and Health department deals with many cases of anti-social behaviour on behalf of the council. There have been steady rises in the numbers of complaints and investigations dealt with, as the following table shows. To a large extent, the increase in reporting is due to initiatives undertaken to increase awareness of local environmental issues and to community awareness of what they consider unacceptable. Estate Management deals with noise complaints.

The following table show antisocial behaviour reported to the Health and Consumer Services from April 1999 to March 2002. The work of the Noise and Nuisance Team and Project Street Clean (now incorporated within the new Street Warden Service) has had an impact on the anti-social behaviour listed in the table.

## Anti-social behaviour reported to the Health and Consumer Services: April 1999 to March 2002

Year	Dog faeces		Noise		Rubbish		Grand Total	
	No.	% Change	No.	% Change	No.	% Change	Total No.	% Change
99/00	89		3983		380		4452	
00/01	94	5.6	3853	-3.3	440	15.8	4387	-1.5
01/02	145	54.3	4301	11.6	1059	140.7	5505	25.5
Total	328		12137		1879		14344	

### Dog Faeces

The table shows faeces in the street and public spaces only. The increase of more than 50% in 2001/2002 reflects the introduction of the new Dog Fouling Order of January 2002 and a pilot initiative to initiate action against dog fouling.

### Rubbish

The table shows all rubbish, fly tipping and littering complaints. The work of 'Project Streetclean' in 2001/2002, has resulted in a massive 140% increase in complaints about rubbish.

### Noise

The table shows all noise complaints reported to Health and Consumer Services. The complaints are mainly about domestic noise, alarms and dog barking. There has been an 11% increase in 2001/2002. A Pilot study in 2002/3 into out of hours working has shown that there is significant need for a responsive service outside our existing core hours. 85% of all out of hour calls related to noise.

The Estate Management figures for noise are as follows:

### Estate Management figures for noise: April 1999 to March 2001

1999 – 2000	2000 – 2001	% increase/decrease
366	275	-25%

Analysis has been completed for the 2001 – 2002 year figures. The highest number of complaints were received during the months of May, July, and August, with the majority occurring between 21:00 and midnight.

Environmental conditions such as warmer and longer nights as well as an increase in the gathering of people and the fact that most people want quiet during the night hours, are likely to be contributory factors, but more research needs to be completed on this.

It should be noted that in terms of Estate Management although noise figures have fallen, neighbour complaints (which are often noise complaints) have increased.

### Graffiti

Barking and Dagenham have two graffiti removal teams. The area office graffiti team based in the Housing and Health Department has only been running for a short while and has data only for April 2001 and March 2002. There were 2334 jobs completed in that year. The area office graffiti teams can be hired by the private sector. The costs to the other Borough graffiti team is tabled below:

<b>Barking and Dagenham Borough graffiti team</b>								
	<b>1999 - 2000</b>		<b>2000 - 2001</b>		<b>2001 - 2002</b>		<b>April 02 - Aug 02</b>	
	<b>Cost</b>	<b>Jobs</b>	<b>Cost</b>	<b>Jobs</b>	<b>Cost</b>	<b>Jobs</b>	<b>Cost</b>	<b>Jobs</b>
<b>Housing Stock</b>	£45,222	948	£71,233	1019	£69,968	857	£15,947	120
<b>Non-Housing Stock</b>	£1523	14	£1,271	15	103	2	Nil	Nil
<b>Total</b>	<b>£46,745</b>	<b>962</b>	<b>£72,504</b>	<b>1034</b>	<b>£70,071</b>	<b>859</b>	<b>£15,947</b>	<b>120</b>

### Trading Standards

The area of trading standards legislation, which impacts most directly on anti-social behaviour, deals with age-restricted sales. That is, legislation which prohibits sales of certain goods to young people. Goods covered include alcohol, fireworks, cigarettes, knives, videos and solvents.

The Local Authority are working in partnership with 'Citizencard' – an organisation who work with the local schools to provide school children with proof of age cards. The scheme is well supported by local traders many of whom have signed formal agreements to join it. The scheme is promoted through shop window posters and has received considerable press coverage.

### London Fire Brigade

The fire service are in the process of changing how they store their data, because of this no current data is available for this document. The table below shows the number of calls responded to by the fire service between April 1999 – March 2001.

For Crime and Disorder purposes, the table shows Non-Accidental Fires and Hoax calls. It does not show every call responded to by the Fire Service.

<b>Calls responded to by the fire service: April 1999 to March 2001</b>		
<b>Year</b>	<b>Non-Accidental Fires</b>	<b>Hoax Calls</b>
1999 – 2000	1347	446
2000 – 2001	1425	367

### Social Housing and Registered Social Landlords

This area has been the hardest area to access information. There are eight registered social landlords with housing stock in Barking and Dagenham. Only two have been able to supply this report with statistical data.

There is much work to do in this area. A much closer working relationship needs to be encouraged between the Authority and the private sector, with information sharing and recording of data. The Borough has got a Housing Association Group, which acts as a vehicle for improving the relationship between the Housing and Health Department and RSLs, and this will be used to improve the information sharing procedures currently in place.

The table below shows the information available at this time for April 2001 - March 2002.

<b>Social Housing and Registered Social Landlords</b>					
<b>Housing Body</b>	<b>Housing Stock</b>	<b>Transfers and voids due to Vandalism</b>	<b>Evictions and Injunctions</b>	<b>Harassment, noise, disorder, complaints</b>	<b>Graffiti reports</b>
Local Authority	22311	None - the Authority does not transfer someone due to vandalism	15 evictions on management grounds 585 evictions due to rent arrears 13 injunctions, No anti social behaviour orders 64 squatters	1974 neighbour complaints 275 noise complaints to Estate Management Section 4327 noise complaints to the Public Health Noise Investigation Service	2334
Housing Warden Association	10	Nil	Nil	Nil	Nil
Southern Housing Group	406	Nil	Nil	7	6
East Thames Estuary	72	No data	No data	No data	No data
London and Quadrant	11	No data	No data	No data	No data
Stort Valley	267	No data	No data	No data	No data
Springboard	350	No data	No data	No data	No data
Samuel Lewis	126	No data	No data	No data	No data
Swan	122	No data	No data	No data	No data
Circle 33	6	No data	No data	No data	No data
Hanover	3	No data	No data	No data	No data
English Churches	40	No data	No data	No data	No data
Anchor	2	No data	No data	No data	No data
Peabody Trust	31	No data	No data	No data	No data
Peabody Trust	2	No data	No data	No data	No data
<b>Total</b>					

### **Parks and Open Spaces**

The consultation process undertaken for the Crime and Disorder Strategy asked the participants to identify specific locations that they feel unsafe in and why. One in two respondents (50%) state that local parks are unsafe due to crime and anti-social behaviour. This is backed-up by other recent research in the borough that has shown that fear for personal safety is the main barrier to using parks and open spaces.

A significant proportion of these respondents perceive 'most' or 'all' local parks in the borough are unsafe. The main cause of this fear and unease are the gangs of youths that are perceived to hang around in the parks. Young people do congregate in parks, which reflects the lack of facilities available to them across the borough. The mere presence of a large group of young people alarms other members of the community, especially the elderly and their presence is seen as anti-social behaviour, all-be-it just a social gathering.

Every call received by the Parks Constabulary is entered onto a report form. Although there are six years worth of report forms, no database has been set up to do analysis on these reports, so there is no statistical information to include in this audit.

As parks have been highlighted by our consultation process as potentially unsafe areas by the public, there is an identified need to establish a database. We are working on this.

#### **Key Points**

- ❖ 50% of residents surveyed in January 2002 felt that local parks in Barking and Dagenham were unsafe because of crime and disorder. Youths congregating and causing a nuisance was the major concern.

# Conclusion

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- ❖ This audit has highlighted the need for an information-sharing package for all the agencies to sign up to. The lack of recorded information in a uniform format has made an accurate analysis of anti-social behaviour in the borough extremely difficult.
- ❖ Disorder figures show a 36.9% decrease on last year's figures. This must be attributed to the initiatives and funding put into place as outlined in the audit. This is a success story, which we hope to continue with the commitments set out in the strategy.
- ❖ Criminal Damage is down 7.7% on last year's figures, again, the high visibility of the Police has obviously made an impact in this area.
- ❖ There has been an increase in drug offences. This should be seen as a positive step, as police activity around illegal drugs has become more pro-active. This may well highlight that as a borough we have a more serious drug misuse problem than otherwise anticipated. Recent research has been completed and analysis is in process into the levels of drug misuse in the borough.
- ❖ Parks having been highlighted by the public consultation as 'unsafe' needs a resource commitment to encourage the community to use these facilities.
- ❖ The Anti-Social Behaviour Strategy follows this report and outlines the initiatives the borough, working in partnership with other agencies, will put into place to impact on anti-social behaviour.



**The London Borough of Barking and Dagenham**

# **Anti-Social Behaviour Strategy**

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## Introduction

This document has been written as a result of the findings of the Anti-social Behaviour Audit, and should be read in conjunction with that report.

The strategy runs parallel to the Crime and Disorder Strategy published in March 2002 and the two documents are very much interlinked. Within the Crime and Disorder Strategy we have identified time scales to accomplish our targets:

- ❖ short term - work to commence year 1
- ❖ medium term - work to commence year 2
- ❖ long term - work to commence year 3

This strategy will run in line with those time scales.

From the Crime and Disorder Strategy, six implementation groups have been set up to oversee and ensure that the targets are met within the allocated timescales. These groups are:

- ❖ Safer Homes
- ❖ Safer Streets
- ❖ Tackling Drugs and Alcohol
- ❖ Engaging Young People
- ❖ Working Together
- ❖ Fear of Crime

Anti-social behaviour crosses through all these six groups. There is a Disorder working group, (a sub group of the safer streets implementation group), which deals with anti-social behaviour.

An 'Antisocial behaviour Action Group' (ASBAG) is currently being established, led by the Housing and Health Department. The members are currently from the Local Authority and Police, but going forward, other agencies are anticipated to be involved. The group will discuss casework and take positive action regarding each case.

All Borough partners are committed to reducing anti-social behaviour making Barking and Dagenham 'Cleaner, Greener and Safer' and developing rights and responsibilities with the local community, two of the Borough's Community Priorities.

The audit highlighted reductions in areas of anti-social behaviour. We believe this is a direct result of initiatives put in place in the Borough.

- ❖ Disorder calls are down by 36.9%
- ❖ Reported Racial Incidents have decreased by 9.6%
- ❖ Abandoned vehicle removal increased by 215% during the last 3 years

Much work has been completed in these areas, however the partnership is committed to continue working on ways to sustain and improve these achievements.

Areas identified in the audit as being key issues for the Borough are:

- ❖ Information Sharing
- ❖ Disturbance in public places
- ❖ Drug trafficking

Through inadequate information sharing and data collation between agencies and departments, it is extremely hard to get a clear picture of the levels of anti-social behaviour in the Borough.

We need to be able to access information from one database in a uniform format, to monitor levels of incidences, which contribute to anti-social behaviour.

Disturbances in public places are predominantly not criminal activity, but youths congregating in public places causing a nuisance. Parks have been identified as an area where groups of young people hanging around have a huge impact on the community's attitude towards using these facilities. Clearly we need to provide diversionary activities for young people to reduce the fear of crime within the community.

The current pro-active work being actioned by the Police (sponsored by the Communities Against Drugs Home Office funding) has uplifted the arrests for drug offences by 37.9%. This is a clear indication that there is a bigger drugs issue in the Borough than had been previously acknowledged. Although this area covers criminal activity, it has a huge impact on anti-social behaviour and the fear of crime.

The Local Authority and its partners are also concerned in addressing the causes of anti-social behaviour and has in place policies and initiatives to improve education, the economy, poverty, social inclusion and health. The Authority and the National Health Service also support people with a range of mental health problems, challenging behaviour and vulnerable young people, involving them as part of the community.

The following initiatives identify the partnership commitments, going forward, which will drive our performance on reducing anti-social behaviour within the borough.

This strategy will also be sensitive to changes in the law and react accordingly.

## **Information Sharing – Working Together**

### Short Term

- ❖ The Authority has secured funding from the 'Safer Communities Initiative' to purchase an information sharing package which will enable analysis of agencies data in the long term. This system will link with national standards and use the National Land and Property Gazetteer (NLPG).
- ❖ Through the Local Authority corporate GIS, agencies will have access to a wider variety of datasets to enable more effective crime mapping and spatial analysis of crime and disorder issues.

## **Anti-Social Behaviour Orders (ASBOs) and Acceptable Behaviour Contracts**

### **ASBOs**

In the audit we included the Anti-Social Behaviour Order Protocol (appendix A). The partnership agreed this document in October 1999.

The Local Authority and Police have not identified a suitable case to commence formal proceedings to date. However discussions have taken place around a number of possible cases, which have been resolved by other action.

### **ABC Contracts**

The Housing and Health department within the Local Authority, working closely with the legal department, has drafted an Acceptable Behaviour Contract Protocol, information leaflet and a draft contract, which again is attached to the audit document (appendix B, C and D). The ABC being used has been developed after looking at best practice elsewhere, but is one of the few examples, which draws upon the Conditions of Tenancy. These documents have been drafted after consultation with all relevant agencies.

A target has been set for at least six contracts to be issued within the forthcoming year. The Youth Offending Team in the Borough will be heavily involved with this.

## **Disorder, Street crime, Criminal Damage, Assaults in Public Places.**

This section sets out the initiatives for the following three years in line with the Crime and Disorder Strategy Implementation Groups. It includes the initiatives, which will impact on the issue of 'Disturbances in Public places'

### **Safer Streets**

Short term:

- ❖ The new Street warden Service represents a pilot approach to tackling antisocial behaviour in our streets and public places through the use of a visible patrolling presence. Wardens will challenge antisocial behaviour, take enforcement action against environmental crimes, and report and exchange information with the Police, other enforcement agencies, and providers of street care functions. Wardens will promote and support community engagement and capacity.  
Temporary funding funds half of the cost of the existing service this will end in 2004.
- ❖ Adopt a pro-active, multi-agency response to crime and disorder at fast food outlets. The Borough has a successful bid for £25,500 in the 'Small Retailers in Deprived Areas' funding allocation. This money will enable us to put digital CCTV cameras into 8 fast food outlets on the Broad Street shopping parade, and allow us to remove graffiti, provide anti-climb paint and viper spikes to restrict access to the rear of the traders' premises.
- ❖ Utilise Intelligence led deployment of the Barking Town Centre Police Unit.
- ❖ Install CCTV cameras in Chadwell Heath High Road to cover the majority of communal areas. These cameras should go live by January 2003, along with a town link radio system.
- ❖ Increase High Visibility Policing and CCTV to lower crime in hotspot areas. The Borough has received uplift to its Police Officer allocation. The police numbers have increased in the Borough from 289 to currently 359. Because of this there is a more visible Police presence on the streets.
- ❖ Increase crime prevention advice and publicity about personal safety to make people more aware of the dangers of street robbery and violent crime.
- ❖ Pilot scheme in Millard Terrace - security guard and guard dog patrol.

## Medium Term

- ❖ The Noise and Nuisance team will extend their service to include access to a mediation service.
- ❖ On 24th September 2002 a scheme for a Police Disorder Van commenced. This van will have a permanent team of one Sergeant and ten Officers. There will be a six-day per week cover. The bus is being funded for three years, 70% funding from the Police and 30% funding from the Neighbourhood Renewal Fund.  
The bus will be targeted as a result of analysis identifying 'hotspot' areas, it will have the facility to drop some officers off in one area and move onto other sites as required.  
The Officers will be trained specifically for this operation, and although it is anticipated that arrests will be increased, Officers will be trained on giving advice on diversionary activities in the Borough for those identified as not committing crime but just 'hanging around'.
- ❖ Our Animal Warden Service will support the enforcement work of our Street Warden Service by promoting responsible pet ownership and awareness of the Dog Fouling bylaws.
- ❖ LA21 (or Environmental Sustainability or Action 21) – our Environmental Sustainability Action plan will develop our role in facilitating community engagement. Our LA21 Officer is developing initiatives and schemes with the community that will improve quality of life by extending community involvement in local issues. Inevitably these will focus upon a need to have easy and enjoyable access to our public and amenity spaces. Not spoilt by antisocial behaviour or its consequences. Schemes that promote good citizenship and combat environmental crime will be key outcomes.
- ❖ Develop 'Business Watches' in identified hotspots. Chadwell Heath has started a watch in anticipation of the CCTV and radio link.
- ❖ Implement alley gating in problem areas.

## Long Term

- ❖ Improve the levels of street lighting in the Borough.
- ❖ Extend the employment of Street Wardens as part of the mainstream service.
- ❖ Increase the number of CCTV cameras within the Borough.
- ❖ Encourage more car parks to achieve 'Secure by Design' status.
- ❖ Establish a Motor Vehicle Crime Working Group to co-ordinate and plan action.

## **Safer Homes**

### Short term

- ❖ Placement of a Housing Officer and Social Services Officer in the Police's Community Safety Unit alongside the free distribution of personal and smoke alarms to victims of hate crimes.
- ❖ Unauthorised travelers incursions are invariably linked to reported antisocial behaviour and increased fear of crime. We have an agreed protocol with the Police that has allowed us to target resources at offending behaviour whilst supporting the welfare needs of travelers visiting the borough and balances rights with responsibilities.
- ❖ The Council has signed up to the Enforcement Concordat, which ensures that enforcement is fair, equitable, transparent and monitored. This has been implemented in Housing and Health and will be developed across the whole Council by April 2004

### Medium Term

- ❖ Health and Consumer Services will plan to respond to the evident need for an extended out of hours service primarily responding to noise complaints.
- ❖ Temporary Traveler accommodation is under provided in the borough. As a result Members will shortly be assessing our traveller policies in the light of an emerging government agenda
- ❖ Continue to take action against offenders who live in council property by enforcing tenancy agreements and carrying out evictions where necessary. The Housing and Health Department have been very successful in this area, enforcing their Conditions of Tenancy effectively. There are also options for increased resources to target anti-social behaviour under consideration, as well as adopting appropriate Housing by-laws.
- ❖ Re-launch Neighbourhood Watch Schemes with improved lines of communication and new operating guidelines.

## **Engaging Young People**

### Short term

- ❖ Re-instatement of the truancy patrol (Operation Caretaker) to reduce levels of truancy.
- ❖ Continue the Youth Inclusion Programme on the Gascoigne Estate working with the most hard to reach and prolific young offenders in that area, to reduce crime, disorder and non-attendance at school.

- ❖ Continue to combat crime and social exclusion by providing football coaching, education and opportunities to vulnerable young people as a partner in the Thames Gateway Youth Football Project. Additional funding for this scheme has recently been secured through the Safer Communities Initiative.
- ❖ Introduce three sessions of 'Consequences' programmes to young people who are cautioned, to nip offending in the bud.
- ❖ Provide reparation work to young people to make amends for their crimes, e.g. graffiti clearance, conservation work, community work etc. Funding has recently been secured through the Safer Communities Initiative, to develop a scheme for graffiti removal with the National Probation Service.
- ❖ Continue on Retail Theft Initiative to arrange meetings between young shoplifters and store managers to address the consequences of their behaviour.
- ❖ Deliver parenting programmes, through the family Service Unit, to help parents/guardians manage anti-social behaviour

#### Medium Term

- ❖ Develop a scheme in local schools for tackling bullying.
- ❖ Establish Youth Inclusion Programmes in hotspot areas to divert young people away from crime and disorder.
- ❖ Encourage the provision of locations (indoor and outdoor) where young people can gather to socialise.
- ❖ Provide a community bus to engage young people in diversionary activities.
- ❖ Expand the Youth Inclusion Programme to run schemes in other Borough hotspots (such as Dagenham Heathway, and Marksgate).
- ❖ Pilot a mediation service in two schools to reduce anti-social behaviour and disorder in school settings.
- ❖ To work with local traders and the community through the Borough's schools to make it easier for traders to avoid breaking the law, by expanding the use of the 'Citizencard'.

#### Long term

- ❖ Increase the leisure facilities available for young people.

- ❖ A range of offenders subject to Community Sentences will take part in accredited programmes run by the Probation Service.
- ❖ Many other offenders will contribute to the community by undertaking unpaid work through Community Punishment Orders.

## **Working Together**

### Medium Term

- ❖ Increase the provision of crime and disorder data to agencies to enable them to be more proactive in responding to anti-social behaviour.

### Long Term

- ❖ Exchange information with the National Health Service about types of assaults needing emergency attention and the location patients are brought from.
- ❖ Improve services within the most deprived areas of the Borough, through Neighbourhood Renewal Funding, to deal with the root causes of crime and disorder.
- ❖ Improve information exchange with the National Health Service to provide non-personalised data that impacts on our crime and disorder priorities.
- ❖ Consider the secondment of officers from each agency into other partnership agencies to meet training needs and improve the cross-flow of ideas.
- ❖ Uphold the Borough's seven Community Priorities.

## Tackling Drugs and Alcohol

This section addresses the concern of drug trafficking as identified in the audit. It will also impact on 'Disturbances in Public Places'.

### Short Term

- ❖ Take action against pubs and clubs where violent incidents take place.
- ❖ Increase Police activity, through 'Communities Against Drugs' funding, to target hotspot areas and take appropriate action against dealers. The Police have recently carried out a number of high profile major drug raids, which have resulted in the arrest of suspected drug dealers, and confiscation of large quantities of heroin, crack cocaine and cannabis. Under the Safer Communities Initiative we have also secured significant funding for police operational surveillance equipment.
- ❖ Continue supervision of nightclubs through the Licensed Door Supervisors Scheme.
- ❖ Increase targeting of offenders supplying class A drugs
- ❖ Liaise with local licensees and the police to draw up effective codes of practice for licensees.
- ❖ Under relevant legislation, prosecute those responsible for anti-social behaviour caused by excessive drinking.
- ❖ Look to purchase technology to provide drugs education and profile offenders.
- ❖ Introduce a Citizen Card Scheme to restrict sale of alcohol to under age children

### Medium Term

- ❖ Employ a drugs worker in the Youth Offending Team
- ❖ Continue to invest in diversionary activities for young people such as the Big Deal Video Project and Youth Inclusion Programme.
- ❖ Improve publicity-showing achievements in drug and alcohol related crime reduction to challenge perceptions around substance abuse. There has been a significant increase in press releases in this area of late.
- ❖ Provide Drugs Intervention Programmes to drug misusers.

- ❖ Increase applications for Drug Treatment and Testing Orders through the courts.
- ❖ Appoint Communities Against Drugs Co-ordinator to oversee anti-drugs work. This appointment has now been made, and the officer starts on 18.11.02.
- ❖ Provide a Community Vehicle to promote information, education and awareness on drugs and alcohol issues by working directly with the community. This vehicle has now been obtained.
- ❖ Work more closely with Crimestoppers on a campaign aimed at increasing intelligence, disrupting drugs markets and increasing effective operations. Discussions have taken place with Crimestoppers to put this into effect.
- ❖ Publicise local treatment options for drug misusers.
- ❖ Stagger the closing times of pubs, clubs and late night food outlets in late night disorder hotspots
- ❖ A Drugs in 'pubs and clubs' initiative to raise staff awareness of the symptoms and treatment for drug overdoses as well as recognising the different signs that drug taking is happening.
- ❖ Ensure businesses have a drug policy to reduce and control drug taking.
- ❖ Modernise Public Entertainment Licensing for pubs, clubs and music events, training organisers to be more aware and competent to deal with the challenges of managing drugs, violence and alcohol abuse at their venues.
- ❖ Working in association with the Police to ensure that employers' fulfill their legal obligation to design out violent crime from late night stores such as off licenses and petrol stations.

#### Long Term

- ❖ The National Probation Service will be developing programmes targeted at substance misusers.
- ❖ Improve the exchange of information to establish a truer picture of drug misuse in the Borough.

## **Parks - Safer Streets**

Parks have also been identified in the audit as an area that is unsafe because of youth activity. Initiatives included in 'Disorder – Engaging Young People' and 'Tackling Drugs and Alcohol' are also relevant to this section.

### Short Term

- ❖ Encourage the establishment of additional Park Watch schemes within the Borough and review the feasibility of expanding the existing Parks Constabulary. Under the Safer Communities Initiative, we have secured funding to uplift the Parks Constabulary manpower by one full time post for a year.
- ❖ Set up a database to enter all report records to allow analysis on anti-social behaviour in parks.

### Medium Term

- ❖ Work more closely with the Parks Manager and other agencies to improve the perception of safety in parks. Consider varying staff working hours to cover daylight hours, seven days per week.

## **Public Transport - Safer Streets**

Although public transport is an issue for anti-social behaviour, surveys show that the concerns rise from the areas surrounding the public transport. The initiatives, which impact on this area, are covered in 'Disorder - Safer Streets'.

### Short Term

- ❖ Build closer relationships with London transport to improve safety on public transport and amenities.

## **Racist Incidents - Safer Homes**

### Short Term

- ❖ The Police Community Safety Unit has adopted a more pro-active response, to target known hate crime offenders. The Police have recently carried out a number of raids targeting perpetrators of hate crime.
- ❖ Improve Analysis to inform a new strategy for dealing with repeat victims.
- ❖ Develop an information pack containing details of all agencies able to offer assistance and help to victims of racist and other crimes.
- ❖ Review the way the council deals with racist incidents and anti-social behaviour. The council is looking to introduce a new Borough Racist Incidents Policy.
- ❖ Develop and ongoing consultation process with difficult to reach groups.
- ❖ Update the Information Sharing Protocol and ensure all agencies adhere to it.
- ❖ A Community Safety Officer from Housing and Health Department is based in the Police Community Safety Unit on Mondays and Fridays to enhance information sharing and liaison between the two agencies. This new initiative is now happening and has resulted in more security measures being available to victims including the provision of personal alarms, smoke alarms, additional locks and cameras.

### Medium Term

- ❖ Utilise the new census data to improve information about how crime and disorder affects ethnic minority communities in the Borough.
- ❖ Continue work to encourage the involvement and representation of members from the ethnic minorities in all community activities.
- ❖ Introduce a programme for young racist offenders. This will be provided by the Youth Offending Team and will be subject to independent evaluation.
- ❖ Initiate a theatre project on hate crime and street crime through the Chain Reaction Theatre Company in ten local primary schools. Safer Communities Initiative funding is being used to part fund this scheme.

### Long Term

- ❖ Ensure racist offenders participate in a programme specially designed by the Probation Service to stop repeat offending.

- ❖ Develop contact centres to offer multi-agency advice to victims of hate crime and domestic violence.

## **Abandoned Vehicles - Safer Streets**

### Short Term

- ❖ Introduce a reporting system between the Fire Brigade and the Abandoned Vehicles Team for identifying potentially dangerous abandoned vehicles and improve the speed of their removal. This is now in place.
- ❖ Continue the 'surrender scheme' for owners of unwanted vehicles to arrange council removal and disposal, as long as funding is available.

### Medium Term

- ❖ Review procedures for dealing with the removal of abandoned vehicles in the Borough, including setting local performance indicators and a review of response times, subject to new legislation.
- ❖ Introduce byelaws for council estates to deal with abandoned/untaxed cars.

## **Fire - Working Together**

### Short Term

- ❖ The Fire Brigade and Housing and health Department will survey all tower blocks within the Borough to identify where security grills have been installed and offer professional advice and guidance. This survey is now 75% complete.
- ❖ The Fire Brigade and Housing and Health Department will continue to develop publicity advising residents of how to dispose of refuse correctly and how to make their homes safer, including poster campaigns in the community languages.

### Medium Term

- ❖ Extend current Fire Brigade and Local Authority scheme providing free smoke alarms and advice on fire safety in the home. Under the Safer Communities Initiative we have now obtained funding for a Fire Safety House to be transported around the borough for training purposes, this will significantly help in the task of reducing fires.
- ❖ Trained Fire Officers will introduce the 'Firesetters Scheme' giving advice to parents and guardians on dealing with young people in their care who have a predilection for starting fire.

## **Social Housing and Registered Social Landlords – Safer homes**

### Short Term

- ❖ Formally warn tenants for anti-social behaviour and carry out evictions where appropriate. Issue Acceptable Behaviour Contracts and consider the use of ASBOs.
- ❖ Look at options to enhance resources allocated to dealing with anti-social behaviour
- ❖ Review tenancy conditions with a view to introduce probationary tenancies.
- ❖ Disseminate information to service providers on trends to help with planning service provision

### Medium Term

- ❖ To include Social Registered Landlords in the Disorder Working Group.
- ❖ Investigate the use of mediation services for neighbour disputes.
- ❖ We will carry out a review of the options available to us to deal with anti-social behaviour perpetrated by owner-occupiers, people living in the private sector and in housing association property. We will work more closely with social landlords to help reduce such anti-social behaviour, and use whatever powers are available to us to reduce anti-social behaviour wherever it occurs.
- ❖ Look at the possibility of introducing appropriate housing bye-laws

## **Conclusion**

Much work needs to be done. We have established a Disorder Working Group, chaired by our Community Safety Team to oversee disorder issues within the borough. This group is a multi-agency group, which agrees an action plan for each area where disorder is known to occur within the borough.

We have established and published our 3-year Crime and Disorder Strategy, and created six Implementation Groups to ensure its implementation. We have secured additional funding to progress new initiatives. We have an Anti-Social Behaviour Strategy, which we intend to follow.

We have an established Crime and Disorder Reduction Partnership, the Community Safety Strategic Partnership, and we intend to continue to work in partnership to reduce crime, disorder and anti-social behaviour within our borough. We will monitor this strategy and evaluate at the end of each term the effectiveness of the actions put into place.

# **Anti-Social Behaviour Order Protocol - Barking & Dagenham**

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## **Partner Agencies:**

**London Borough of Barking & Dagenham**

**Barking & Dagenham Police**

## **Introduction**

This protocol provides an agreement on the procedures to be followed in respect of making an application, variation and discharge of an Anti- Social Behaviour Order.

This protocol represents the core multi-agency agreement but may be subject to local variations.

The term 'anti-social manner' is defined in Section 1(1)(a) of the Crime and Disorder Act 1998 as '*a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household*'.

It is necessary to show that an Anti-Social Behaviour Order will protect persons in the local authority area where the harassment, alarm or distress is caused.

Anti-Social Behaviour Orders may only be applied for by the Police or Local Authority, having formally consulted with each other and when they are both in agreement. One agency can take action providing the decision is taken at the highest level.

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## 1. Procedure for Consultation Prior to Making an Application for an Order

- 1.1. In the event of any of the named agencies wishing to make an application for an Anti-Social Behaviour Order that agency will notify the Service Manager at the Area Housing office responsible for the area where the anti-social behaviour is taking place or the Community Safety Manager for the London Borough of Barking & Dagenham (LBBB).
- 1.2. Upon receipt of written notification, the Service Manager or the Community Safety Manager for the London Borough of Barking & Dagenham will convene a Problem Solving Group, consisting of representatives of the relevant agencies listed in Appendix 1, together with any other agencies, which are thought to be appropriate.
- 1.3. If the anti-social behaviour is taking place along the boundary of two neighbouring local authorities either authority may convene the Problem Solving Group having consulted with each other.
- 1.4. The Problem Solving Group will be convened within 14 working days of the initial notification being received.

## 2. Problem Solving Group

The purpose of the *Problem Solving Group* is to devise an action plan aimed at:

- Supporting the victims of anti-social behaviour
  - Continuing to divert individuals from perpetrating anti- social behaviour prior to resorting to civil action, and
  - Ensuring the complaint has not been made as a result of malice or discrimination.
- 2.1. The action plan needs to consider the availability and applicability of the following measures in combating the anti- social behaviour.
    - Challenges
    - Warnings
    - Diversionary Measures
    - Mediation (if appropriate)
    - Injunctions (if appropriate)
    - Criminal Prosecution
    - Eviction
  - 2.2. After considering the appropriateness of the above measures, an action plan will be drawn up by the relevant Service Manager or the Community Safety Manager and circulated to all members of the Problem Solving Group within 7 days. The action plan will commence from the date of the Problem Solving Group and its duration will be determined by the group.

- 2.3. Where the harassment is of a racial nature, consultation will take place with The Racial Equality Councils and/or any other ethnic minority organisation. The REC may be invited to join the Problem Solving Group.
- 2.4. Where harassment is by children or young people under the age of 18 years the Social Services Department and the Youth Offending Team Manager will be consulted, with a view to other options being explored..
- 2.5. If the person whose behaviour is causing concern is suspected to be vulnerable the advice of the relevant Social Services and Health Trust must be sought.
- 2.6. The police representative in the Problem Solving Group will be nominated by the Superintendent (operations) of the police area where the anti-social behaviour is alleged to have occurred. The Superintendent (operations) will nominate an officer, of at least the rank of Inspector, to attend the Problem Solving Group. The nominated officer will make themselves fully aware of all the available information relating to the alleged anti-social behaviour.
- 2.7. Where the accommodation in which the individual causing the anti-social behaviour is residing is not a local authority property but that of a Registered Social Landlord, then the non local authority landlord will be invited to be part of the consultation process.
- 2.8. A second meeting of the Problem Solving Group will be convened within 28 days after the first meeting. The purpose of the second meeting is to assess the effectiveness of the action plan and to make a recommendation as to whether an application for an Anti-Social Behaviour Order should be applied for.
- 2.9. If the Problem Solving Group decides that an Anti-Social Behaviour Order is not appropriate at this stage, but that further action is required by the relevant agencies with a view to responding to the anti-social behaviour, the action required will be agreed and documented at this meeting.
- 2.10. A time limit should be agreed by the agencies as to how long their involvement will continue. At the end of that period the Chair of the Problem Solving Group has the option to re- convene the second Problem Solving Group should the matter not be resolved.

### 3. **Application for an Anti-Social Behaviour Order**

The application for an Anti-Social Behaviour Orders fall into five broad categories, each with separate responsibilities:

- Anti-Social Behaviour Orders in respect of persons aged under 18 will be applied for by the Youth Offending Team (for known offenders) or by the Social Services Department.
- Anti-Social Behaviour Orders in respect of persons aged 18 years and over will be applied for by the Housing & Health Department or the Chief Executive's department.

- Where it is intended that families will be made subject to Anti-Social Behaviour Orders, the application in respect of the adults will be made by the Housing & Health Department or the Chief Executive's department and those in respect of children and young people aged under 18 years will be made by the Youth Offending Team or the Social Services Department. Legal Services will make the formal application on behalf of these departments.
  - Where an individual against whom an Anti-Social Behaviour Order is sought, is also subject to related criminal proceedings, Barking & Dagenham Police will make the application for the Anti-Social Behaviour Order.
  - Where the Local Authority is not the landlord, but the individual is accommodated in non local authority accommodation, consultation will take place in the Problem Solving Group and a decision will be made as to who will make the application for the Anti-Social Behaviour Order. The deciding criteria will be the level of knowledge of the respective agencies (Barking & Dagenham Police or the Local Authority)
- 3.1. When a decision is taken by the Police or the Community Safety Manager for the London Borough of Barking & Dagenham to make an application for an Anti-Social Behaviour Order, the drafting of the conditions which are to be attached to the Order, will be completed after consultation between the relevant agencies.
- 3.2. In cases where the police make an application for an Anti- Social Behaviour Order, then the nominated police officer on the Problem Solving Group will take ownership of the matter up to and including the making of the application in court. The MPS Solicitors Department will be available to provide advice and guidance to the nominated officer, if required.
- 3.3. Where the British Transport Police wish to pursue the possibility of making an application for an Anti-Social Behaviour Order, a request to convene a Problem Solving -- Group will be made to the Community Safety Manager.
- 3.4. In instances where the Local Authority apply for an Anti-Social -- Behaviour Order, the police officer nominated to attend the Problem Solving Group will make themselves available to the Local Authority, in order to facilitate the sharing of information. The nominated officer will attend court when the application is made, if required.

#### **4. Variation and Discharge of an Order by the Police/Local Authority**

Prior to an application to discharge or vary an Anti-Social Behaviour Order by either the Police or the Local Authority, a Problem Solving Group will be convened to agree upon discharge or variation of the Order. The Agency which made the original application will continue to act in the matter should further court proceedings be deemed to be necessary.

- 4.1. If the application for variance/discharge of an Order is agreed then the agency who made the initial application will respond to the Court.
- 4.2. If the recommendation is that the Police/Local Authority contest the variation or discharge of the Anti-Social Behaviour Order, then the agency who made the initial application will attend court to make representations, with the other agency supporting and attending if necessary.
- 4.3. Where the Police initiate a Problem Solving Group in respect of a variation or discharge of an Anti-Social Behaviour Order, the Superintendent (Operations) of the Barking & Dagenham Police area will write to the Director of Housing & Health or the Community Safety Manager, in order to organise a Problem Solving Group. The Superintendent (Operations) will, where possible, ensure that the nominated officer will be the same officer who attended the initial Problem Solving Group when the decision was made to make an application for an Anti- Social Behaviour Order.

## 5. **Appeal Against an Order**

The same agency who brought the initial application will defend any appeal which may be put forward by the individual against whom an Anti-Social Behaviour Order has been made.

## 6. **Information Sharing**

The sharing of information will be in accordance with the information exchange protocol.

## 7. **Post Order Procedure**

Upon obtaining an Anti-Social Behaviour Order, the agency obtaining the Order will ensure that a copy is forwarded to the Police/Local Authority, as appropriate.

### 7.1. The agency obtaining the Order will:

- Provide a copy of the Order to the Housing & Health and Chief Executives Departments, in respect of adult offenders.
- Provide a copy of the Order to the Youth Offending Team, Social Services, Chief Executive's Department and Housing & Health Departments in respect of young offenders.
- In cases where the defendant is not in court, ensure that the order is correctly served personally upon the defendant as a matter of priority. If there are difficulties with service, the Police and Local Authority will liaise re any special arrangements. The order must be served on the defendant, and if they are under 18 years old, a copy must also go to their parent or guardian.
- Ensure that the original complainant is notified of the outcome of proceedings.

- Ensure that the Anti-Social Behaviour Order is forwarded to the police to be filed at the Non - Crime Warrant Register at Dagenham Police Station and when the facility becomes available that details of the Order are placed onto the Police National Computer (PNC).
- The police officer nominated to attend the Problem Solving Group will arrange for the details of the Anti- Social Behaviour Order to be placed onto the Intelligence System.

7.2. The Local Authority and Dagenham & Barking Police will separately monitor Anti-Social Behaviour Orders by gender, age and ethnicity.

## **8. Breaches of an Anti-Social Behaviour Order**

8.1. Breach of the conditions contained in an Anti-Social Behaviour Order is a criminal offence and will be investigated by the police. The responsibility for prosecuting a breach of an Anti- Social Behaviour Order will be with the Crown Prosecution Service.

8.2. Where the police are notified of a possible breach of an Anti- - Social Behaviour Order, the Superintendent (Operations) of the police area where the breach has occurred will nominate an officer to investigate that breach.

8.3. Throughout the investigation, the investigating officer will liaise with the other relevant agencies, and the original complainant, keeping them informed of the investigation.

8.4. It will be the responsibility of the investigating officer to inform the relevant agencies and the complainant of the outcome of the breach investigation and of any subsequent court case.

## **9. Applications for Anti-Social Behaviour Orders Where There Are Ongoing Criminal Proceedings**

9.1. In cases where an application for an Anti-Social Behaviour Order is being considered and there are related criminal proceedings which have not been finalised in the criminal courts, the Problem Solving Group must seek the advice of the Crown Prosecution Service, on what evidence concerning, the criminal case may be disclosed for the purposes of applying for an Anti-Social Behaviour Order. Each case will be judged on its own merits.

9.2. In such cases it is advisable that the police officer nominated to attend the Problem Solving Group should, prior to the meeting, and if necessary, seek advice from *or* request the attendance of the MP Solicitors and the Crown Prosecution Service.

## **Problem Solving Group**

- Barking and Dagenham Police.
- Chief Executives Department
- Community Safety Manager
- Security & Emergency Planning Team
- Legal Services
- Social Services Department
- Youth Offending Team Manager
- Housing & Health Department Representatives
- Technical Services & Contract Services & Security Team.

and where appropriate:-

- Racial Equality Council . Probation Service
- Education Department
- Mental Health Authority

# **Anti-Social Behaviour Order**

## **Procedural Note**

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### **1. Introduction**

- 1.1. Anti-Social Behaviour Orders may be applied for by the Police or the Local Authority (who must consult with each other) and are designed to protect individuals or the community from the anti-social behaviour of one person or a group of people.
- 1.2. Anti-Social Behaviour Orders can be applied for in respect of any person over the age of 10 years and last for a minimum period of 2 years.
- 1.3. Acting in an 'anti-social manner' is defined in the Crime and Disorder Act 1998 as a 'manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household'.
- 1.4. It is necessary to demonstrate that an Anti-Social Behaviour Order, if granted, will protect persons in the Local Authority area where the harassment, alarm or distress is being caused. An Anti-Social Behaviour Order is not intended to be a remedy for civil disputes between neighbours but to combat serious and persistent anti-social behaviour of a criminal or near criminal kind.
- 1.5. An Anti-Social Behaviour Order can only be applied for in the Magistrates' Court and is a civil order. It is necessary to demonstrate that other remedies have been tried or considered and deemed to be inappropriate.
- 1.6. Breach of an Anti-Social Behaviour Order is an arrestable offence.
- 1.7. There is a defence to an Anti-Social Behaviour Order that the behaviour was reasonable in the circumstances.
- 1.8. This procedural note supports a protocol, agreed between Barking & Dagenham Police and The London Borough of Barking & Dagenham.

### **2. Equalities Statement**

- 2.1. Anti-Social Behaviour Orders should be used to protect individuals or families who are from minority groups and who are the targets of anti-social behaviour. When investigating, the Local Authority and the Police will take great care to avoid the possibility of discrimination/victimisation on the grounds of race, disability, sex, sexual orientation, age, religion, creed, medical condition or marital status.
- 2.2. The Orders will not be used against someone because they are different, or are engaging in activities different from their neighbours, for example

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because of difference in race or religion, unless they are engaging in criminal or sub-criminal behaviour as defined in the Crime & Disorder Act 1998.

### **3. Behaviour/Actions Which May Result in Anti-Social Behaviour Order Application**

- 3.1. The national Social Landlords Crime & Nuisance Group defines anti-social behaviour thus:
- 3.2. 'The term anti-social behaviour is very broad. It includes all types of crime which by definition is anti-social in nature but also includes behaviour which falls short of the criminality but seriously impairs the quality of life for local people ... it is the behaviour of the minority that blights the lives of the majority, deeply effecting people who are subjected to it. It is a problem which has many causes and thus, by necessity, it is one which requires a wide range of responses if it is to be successfully tackled'.
- 3.3. If we accept this definition as being fairly accurate we must also accept that it is impossible to come up with a definitive list - of behaviours or actions that could be deemed 'criteria' to determine an Anti-Social Behaviour Order application. Each case must be considered on its merits; in accordance with Home Office guidance and that made available by the Magistrates; and in the future, against precedents and case law.
- 3.4. The Crime and Disorder Act 1998 says the behaviour must - cause or be deemed likely to cause harassment, alarm or distress to one or more people in a different household to the defendant.
- 3.5. Anti-Social Behaviour Orders apply only to anti-social acts committed after 1st April 1999 but evidence of previous anti-social behaviour is permissible. Professional witnesses may give evidence.
- 3.6. It is not required to demonstrate that every other remedy has been exhausted before applying for an Order, but that an Order is the most appropriate or effective remedy.
- 3.7. Anti-Social Behaviour Orders can be used where people are -- put in fear of crime since this causes alarm or distress, and can also be used where there is an underlying problem such - as alcohol or drug misuse when it is not possible to get the individual to moderate their behaviour in any other way.

### **4. Responsible Body to Make Application**

- 4.1. The Local Authority and/or Barking & Dagenham Police can make application for an Anti-Social Behaviour Order. They may do so in respect of:
  - adults;
  - children (over the age of 10 years); and
  - adults and children (over the age of 10 years)

- 4.2. There is a statutory obligation for consultation prior to any application between the Police and Local Authority who should jointly agree with an application. One agency can take action providing the decision is taken at the highest level. This must be demonstrated in the application. The sharing of information and data will accord with the Information Exchange Protocol between the Police and the Local Authority.
- 4.3. Where children are involved it is locally agreed that the Local Authority will take the lead in most applications, although this does not preclude application by the Police. Consultation will be aided by the 'Problem Solving Group' approach. The Youth Offending Team, the Police, Housing & Health Dept, The Chief Executive's Dept, the Social Services and Education Department will be core members of any Problem Solving Group convened whenever an application for an Anti-Social Behaviour Order involving a child is being considered. Where an application for an Anti-Social Behaviour Order involves a child who is subject to a Local Authority Care Order, or is accommodated by the Local Authority, the consent of the Social Services Department will be obtained prior to an application being issued (this does not include a single agency application by the Police).
- 4.4. A Problem Solving Group will also be convened in relation to possible application for an Anti-Social Behaviour Order in respect of adults.
- 4.5. Where an Anti-Social Behaviour Order is being sought against an individual who is also the subject of related criminal proceedings, the Police will take the lead, although this does not preclude action by the Local Authority. Advice must be sought from the Crown Prosecution Service on what evidence concerning the criminal case can be disclosed for the purposes of applying for an Anti-Social Behaviour Order and each case will be judged on its merits.
- 4.6. Barking & Dagenham Police will be engaged as appropriate in making any applications. In the event of an appeal against an Anti-Social Behaviour Order the initiating Legal Service will defend the action.
- 4.7. The body taking the lead will meet administrative and legal expenses incurred in applying for *or* defending an Anti-Social Behaviour Order. Where there are major funding implications the relevant agencies will meet to agree apportionment of the costs.
- 4.8. The Local Authority and Barking & Dagenham Police undertake to keep each other informed of Anti-Social Behaviour Order applications and their outcomes.
- 4.9. When a decision is reached (by Police or the Local Authority) ~ to make an application for an Anti-Social Behaviour Order the drafting of the required conditions to be attached to the Order will be done in consultation with the other agency. The MPS Solicitors Department will be available for consultation. This is to ensure they are able to prosecute breaches successfully, although ultimately, content of any Order will be determined by the Court.

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## 5. Problem Solving Group

5.1. See procedural note 'Problem Solving Group'

## 6. Application

6.1. Any application will be made on the appropriate form and must contain the following:

- Details of the individual or individual members of a group or family;
- Suggested prohibitions necessary for protecting people within the area from the anti-social acts of the defendant(s) which are both specific in time and in place (unlike injunctions these cannot be compelling conditions)
- The requested duration of the Anti-Social Behaviour Order, the minimum being two years and the maximum being indefinite (arrangements for review need to be stipulated in these cases)
- Welfare issues of the individual(s). The application should demonstrate consultation between appropriate agencies, e.g. Social Services / Youth Offending Team etc, and provide adequate and appropriate information about the person or their family circumstances to enable the Court to discharge its duty, e.g. duty under the Children's Act etc.
- Assurances that consideration has been given to ensure - that no individual has been victimised or discriminated against on the grounds of race, sex, disability, *medical condition*, *marital status*, creed, religion or sexual orientation as the Courts will scrutinise the application with this in mind (see equalities statement).

6.2. In all cases an Anti-Social Behaviour Order should be served in person on each individual. In the case of a child or vulnerable adult a copy will also be given to their parent(s) and/or guardian(s).

6.3. An Anti-Social Behaviour Order is effective on the date it is made but the calculation of the period commences from the date of service and normally each individual person will be required to wait in Court until the Anti-Social Behaviour Order is ready to be served. If this does not happen the order should be served personally. The appropriate agencies will liaise if there are difficulties with service.

## 7. Post Anti-Social Behaviour Order Procedure and Breach

7.1. A copy of the Anti-Social Behaviour Order will be given to the Youth Offending Team, the Police, Chief Executive's Dept, Housing & Health Dept (if appropriate) and Social Services in respect of any child or vulnerable adult, by the agency obtaining the Anti-Social Behaviour Order.

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- 7.2. It is important that Anti-Social Behaviour Order conditions are - ' known and understood by partner agencies locally so that breaches can be reported and acted upon.
  - 7.3. Breach of an Anti-Social Behaviour Order is a criminal offence and will be investigated by the Police, the responsibility for prosecution being with the Crown Prosecution Service. Police will keep the Local Authority advised during any investigation. The standard of proof is the criminal one, i.e. beyond reasonable doubt, and cases will be tried summarily in the Magistrates' or on indictment in the Crown Court. Cases against children will be in the Youth Courts.
  - 7.4. Breaches and results of further Court appearances will be notified between the agencies and locally in the same way as original conditions of Anti-Social Behaviour Orders.
  - 7.5. If an Anti-Social Behaviour Order is breached any administrative processes will be carried out by the agency obtaining the Anti-Social Behaviour Order and will be forwarded, via the Police, to the Crown Prosecution Service for consideration for prosecution.
  - 7.6. The lead agency will inform the complainant where appropriate of the outcome of the application.
  - 7.7. Details of an Anti-Social Behaviour Order will be forwarded to the Superintendent(Operations) on a case by case basis to protect vulnerable witnesses and alert officers to potential breach situations etc.

## **8. Variation/Discharge of an Anti-Social Behaviour Order**

- 8.1. If the Police or the Local Authority believe it is necessary to vary the conditions of an Anti-Social Behaviour Order or that an Anti-Social Behaviour Order is no longer necessary and they wish to discharge it, after satisfactory consultation, application must be made to the Magistrates' Court by the agency that obtained the original Anti-Social Behaviour Order, that agency having first discussed any variation with the Crown Prosecution Service where appropriate.
- 8.2. If the perpetrator asks for a variation or discharge of an Anti- - Social Behaviour Order, after satisfactory consultation, the agency that obtained the original Anti-Social Behaviour Order will respond to the Court, that agency having first discussed any variation with the Crown Prosecution Service.

## **9. Monitoring and Recording**

- 9.1. Each agency is responsible for its own monitoring and recording systems but as a minimum should record:
  - name, address, date of birth, gender and ethnicity of defendant;
  - victim profile;

- date and conditions of any order obtained;
- date and detail of any variation/discharge order;
- details of any contributory issues, e.g. drugs, alcohol and substance misuse and /or mental health problems;
- details of any aggravating factors, e.g. racial motivation.

Consistency of information will help inform future audits and crime reduction strategies. It will also ensure Anti-Social Behaviour Orders are used correctly.

9.2. It is also recommended that information in respect of unsuccessful applications be recorded similarly and include brief detail of reasons for failure in the action.

9.3. The Police Liaison Officer will record any conditions and variations to conditions of an Anti-Social Behaviour Order on the Police Non - Crime Warrant Register and the Local Police Intelligence System.

## **10. Review**

This procedure will be reviewed and amended as necessary.

# **Problem Solving Groups**

## **Procedural Note**

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### **STATUTORY BACKGROUND**

The Crime and Disorder Act 1998 gives Local Authorities, in consultation with the Police, powers to implement Local Child Curfew Schemes and to apply for Anti-Social Behaviour Orders and Truancy Orders.

Local Child Curfews can only be applied to children under the age of 10 years, between the hours of 9.00 pm and 6.00 am, who are at risk or who are responsible for perpetrating anti-social acts, which if they were over the age of 10 years, may be deemed to be criminal (see procedural note).

Anti-Social Behaviour Orders can be sought in respect of adults and children aged over 10 years (see procedural note).

Truancy Orders give the Police the power to remove, to a designated place, children of compulsory school age who are absent from school without proper authority in an area which has been agreed.

## **1. PURPOSE OF THE PROBLEM SOLVING GROUP**

1.1. The initial job of the Problem Solving Group is to establish a true picture. This may include:

- establishing the problem;
- establishing the extent of the problem;
- establishing the geographical boundary/area of any proposed curfew (where applicable);
- auditing service provision within the geographical boundary/area and identify gaps/inadequacies (where applicable);
- identifying previous action taken to alleviate the problem(s);
- determining whether any other appropriate legal remedy - or course of action could/should be tried.

1.2. Having established the facts, the Problem Solving Group must then satisfy itself that a Local Child Curfew Scheme/Anti-Social Behaviour Order/Truancy Order would potentially be an appropriate response to the issues/problems identified.

- 1.3. A Local Child Curfew Scheme must be a response of last resort. The Problem Solving Group must explore all potential remedies and responses; ensure they have been applied and tried, and if not, make arrangements to do so. It must also identify inadequate services and/or gaps in service provision, and where possible implement changes and/or arrange for services to be provided where they do not exist, in order to alleviate the problems.
- 1.4. An Anti-Social Behaviour Order will only be granted if it can be demonstrated it will protect people in the Local Authority area from harassment, alarm or distress. An Anti-Social Behaviour Order is not intended to be a remedy for civil disputes between neighbours, but to combat serious anti-social behaviour of a criminal or near criminal kind. Members of a Problem Solving Group must keep these tests in mind.
- 1.5. The power to remove truants to a designated place will only be invoked after an Action Plan, to deal with problems of truancy in a specified area, has been implemented and has failed to be effective.

## 2. ANTI-SOCIAL BEHAVIOUR ORDERS

### 2.1. Referral: Anti-Social Behaviour Orders

- 2.1.1. The Housing & Health Department will normally *be* the nominated lead Local Authority service to consider whether applications for Anti-Social Behaviour Orders should be made. *Where no council owned accomodation is* involved it will be the Chief Executive's Department. Consideration as to whether an application for an Anti-Social Behaviour Order should be made will take place at a Problem Solving Group. Both the *Barking & Dagenham Police* and the Local Authority must consult with each other prior to an application being made and must demonstrate this in any subsequent application.
- 2.1.2. Whilst a referral/request to consider application can come from anywhere, it is likely that cases will be identified via the Area Housing Offices of the Local Authority or Registered Social Landlords, or via the Incident Management Units of Barking & Dagenham Police.
- 2.1.3. It has been locally agreed that applications for Anti-Social Behaviour Orders involving children/young people will be made by the Youth Offending Team or Social Services Department and all other applications will be made by the Housing and Health or Chief Executive's Department. Anti- Social Behaviour Orders which involve criminal behaviour may be applied for by Barking & Dagenham Police having consulted with the statutory partners.
- 2.1.4. Again, all relevant information must accompany any -- referral/request and be sent in the first instance to the Service Manager from the relevant Area Housing Office or the Chief Executive's Department, Community Safety Manager.

### 2.2. Receiving & Acknowledging a Referral: Anti-Social Behaviour Orders

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- 2.2.1. An Anti-Social Behaviour Order will be one of many remedies considered by the Local Authority in the normal course of its everyday business and may not always be instigated by referral.
  - 2.2.2. Receipt of any specific request will be acknowledged by memorandum or letter, although as an Anti-Social Behaviour Order is a specific legal action against a named person or named individuals, the Local Authority and Barking & Dagenham Police will reserve the right not to discuss any tactics or actions being contemplated during any investigation or evidence gathering period.
  - 2.3. **Convening a Problem Solving Group: Anti-Social Behaviour Orders**
    - 2.3.1. Prior to a Problem Solving Group being convened the Local , Authority *or Police* will ensure that the evidence, particularly identification evidence, has already been established in order to facilitate the appropriate invitations being sent to the Agencies. It will be necessary for the Local Authority or Police to identify individuals by name, address and date of birth. This needs to be done prior to the Problem Solving Group being convened.
    - 2.3.2. When it appears likely that an Anti-Social Behaviour Order may be a potential solution in respect of Anti-Social Behaviour being committed there should be no delay in convening a Problem Solving Group, but 10 clear days notice should be -- given to all agencies. In exceptional circumstances, where a Problem Solving Group needs to be convened as a matter of urgency, the lead agency will make all efforts to arrange a Problem Solving Group at mutually convenient times for the Partner Agencies.
    - 2.3.3. The Problem Solving Group satisfies the statutory consultation process and so will always include Barking & Dagenham Police. Other 'core members' will The Chief Executive's Dept, Social Services, Education, Housing & Health. There may also be other affiliate members to aid and inform the process.
  - 2.4. **After the Problem Solving Group: Anti-Social Behaviour Orders**
    - 2.4.1. The note-taker will write up the minutes and circulate them to Problem Solving Group representatives within five days. These must be accurate and comprehensive as they may be required as evidence if an application for an Anti-Social Behaviour Order is to be made.
    - 2.4.2. The minutes will include any agreements to provide services/implement changes to deal with the problems which have been identified.
    - 2.4.3. If an action plan has been agreed (to be implemented immediately), then a date four weeks from the first Problem Solving Group should also be agreed to reconvene the Problem Solving Group in order to establish whether it has been successful.

### **3. OTHER INFORMATION**

- 3.1. Problem Solving Group involvement should be seen as a requirement in the light of the statutory duty placed on the Local Authority and Police to work in partnership. Membership should not "be considered optional.
- 3.2. Problem Solving Groups may be convened to assist in the process of other Orders contained within the Crime and Disorder Act 1998.
- 3.3. In the event that the Problem Solving Group is unable to agree on a course of action, a further Problem Solving Group will be convened within fourteen days to allow all agencies to consult with their senior officers and/or legal representatives.



## ACCEPTABLE BEHAVIOUR CONTRACT

### 1. THE CONTRACT

THIS CONTRACT is made on the [date]

BETWEEN the London Borough of Barking and Dagenham Housing and Health Department, (the Council) the Metropolitan Police  
AND [name of young person]

WHO AGREES the following:

### 2. CONDUCT PROHIBITED

1. not to.....
2. not to.....
3. not to.....
4. not to.....

FURTHER, [name of young person] enters into an agreement with the Council to not act in a manner which causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household as him/herself.

AND\*

\* [name of young person] has also read and has understood Condition of Tenancy B5. 'Conduct Towards Others/Racial and Other Harassment'.

[name of young person] understands that under these conditions his behaviour is the responsibility of [name of parent guardian] his/her [relationship to young person], and if John Smith continues to act in a manner prohibited by these conditions, action may be taken against [name of parent/guardian]'s tenancy.

\* Delete if non-applicable

### 3. DECLARATION

I, [name of young person] understand that if I do anything which is prohibited under the terms of this contract this may result in an application being made to the Magistrates' Court for an Anti-Social Behaviour Order .

AND\*

I have also read and have understood Condition of Tenancy B5. 'Conduct Towards Others/Racial And Other Harassment', attached. I understand that my behaviour has also breached the Conditions of Tenancy of [name of parent/guardian].

I further understand that the council reserves the right to seek possession of [name of parent/guardian]'s home, if I continue to act in a manner prohibited by the Conditions of Tenancy.

Signed [ ] Young Person Date:

Signed [ ] Parent/Guardian Date:

Witnessed by:

Signed [ ] Council Officer Date:

Signed [ ] Police Officer Date:

\* Delete if non-applicable

### **B5 CONDUCT TOWARDS OTHERS/RACIAL AND OTHER HARASSMENT**

- [i] The Tenant must not cause nuisance, annoyance or disturbance to any member of their household, any visitors to their household or to any of their neighbours or their visitors, or to any other Council Tenant, or to the Council or its officers.**
  
- [ii] The Tenant shall be responsible for the behaviour of any person living on the Premises whether permanently or temporarily [including but not limited to adult children, lodgers, licensees, sub-tenants and other adult member of the Tenant's family or household as well as children under eighteen]. The Tenant shall also be responsible for the acts of any person [including children] visiting the Premises. The Tenant is also responsible for the acts of any person or visitors while they are present on the Premises and while they are entering or leaving the Premises or the common parts of the Estate for the purposes of their visit.**
  
- [iii] The Tenant shall indemnify the Council against any claims in respect of damage, nuisance or annoyance they may cause to other persons and repay to the Council, on demand, the cost of making good any damage or defacement they may cause to the Premises or to any buildings, wall, fence, gate, tree or any other property of the Council.**
  
- [iv] 'Neighbours' includes [but is not limited to] the people living or working in the vicinity of the Premises.**
  
- [v] 'Nuisance, annoyance, or disturbance', includes [but is not limited to]:**
  - [a] Obstructions of any of the common parts, doorways and other exits and entrances in the block and on the Estate;**
  - [b] Making an unreasonably loud noise by shouting, screaming, playing any musical instrument or sound reproduction equipment [including TV, radio, hi-fi, computer] or using any other machine, or carrying out building work;**
  - [c] Violence, abuse [verbal or otherwise] or any action, which in the opinion of the Council has or is likely to cause offence, distress or nuisance;**
  - [d] Any act or omission which creates a danger to the well-being of any neighbour or to his/her belongings.**

## Appendix B

- [vi] This clause also applies to conduct or actions which in the opinion of the Council constitute discrimination and/or harassment on the grounds of sex, medical condition, disability, marital status, creed, colour, race, ethnic origin, national origin, sexual orientation or religious belief. The Council views such conduct or actions extremely seriously.
- [vii] 'Harassment' includes but is not limited to:
- [a] Violence, threats or violence or intimidation towards any person;
  - [b] Abusive or insulting words or behaviour;
  - [c] Damage or threats of damage to property belonging to another person including damage to any part of a persons home or to their car or personal belongings;
  - [d] Writing threatening, abusive or insulting graffiti;
  - [e] Any act or omission calculated to interfere with the peace or comfort or any other person or to inconvenience any such person.
- [viii] The Tenant and any person living on the Premises whether permanently or temporarily and any visitor to the Premises must not cause damage to any property owned by the Council and must not deface or damage any wall, door, fence or other part of any Premises owned by the Council by graffiti or any other means.
- [ix] Any act by persons living with the Tenant or visitors in breach of these clauses shall be considered to be a breach of this agreement by the Tenant.
- [x] The Tenant shall upon demand reimburse the Council for the cost of making good any loss or damage caused by the acts of any persons in breach of these clauses.



## INFORMATION LEAFLET ACCEPTABLE BEHAVIOUR CONTRACTS

### **What is an Acceptable Behaviour Contract?**

An Acceptable Behaviour Contract is a written agreement between you and your parent/guardian, and the council and the police. By signing the contract you are agreeing that you will not act anti-socially in the future. The contract tells you what type of behaviour you promise not to take part in.

### **Why am I being asked to sign an Acceptable Behaviour Contract?**

You have been found to have acted in a way which has caused other residents harassment, alarm, nuisance or distress. The Council will not allow this type of behaviour and wants to make sure that you understand this. By signing the ABC you are showing that you understand what types of behaviour the council/police will not allow. It is also a promise between you, your parent/guardian and the police and the council that you will not act anti-socially in the future. The Contract also makes it clear what action will be taken against you or others, if you break the agreement.

### **What happens if I break the Contract?**

If you do something the Contract does not allow, the council may:

**1. Ask a Magistrates Court for an Anti-Social Behaviour Order against you.**

An Anti-Social Behaviour Order is an order made by a Court which tells you what type of behaviour you must not take part in. If, after the Court makes an ASBO against you, you do something which the Court has told you that you should not do, you can be imprisoned for up to six months or be fined.

**2. Take legal action against the tenancy of someone who should be responsible for your behaviour.**

If the person you live with (or visit) rents their home from the Council, they have rules that they should follow called 'Conditions of Tenancy'. One of these rules is that the tenant of a Council property should make sure that everyone who lives with them or visits them behaves properly. If you do something which the Acceptable Behaviour Contract says you should not do, the Council may ask a Court to take that persons home away from them. The Contract you are being asked to sign shows that you understand this.

### **How long does the Acceptable Behaviour Contract last for?**

An ABC usually lasts for six months. However, if the council and the police do not think that you have behaved properly during this time, the Contract time can be made longer.

### **Where must I behave myself?**

You should not break the Acceptable Behaviour Contract anywhere in the London Borough of Barking and Dagenham.

### **Who will be checking that I behave?**

A copy of the ABC will be kept by the police and the Council. You will have broken the agreement if either the Council or the Police get complaints about your behaviour. We will take action if these complaints are proved to be true.

### **What happens if I will not sign the Acceptable Behaviour Contract?**

You do not have to sign the ABC. However, the Council and the police can still apply to Court for an Anti-Social Behaviour Order against you or take legal action against the tenancy of someone who is responsible for your behaviour.

By signing the ABC you are showing that you understand what behaviour is expected from you in the future. This is also a chance for you to change your behaviour before further action (like an ASBO) is taken.

### Aim of Acceptable Behaviour Contracts

Acceptable Behaviour Contracts are a contract between a youth (signed in the presence of their parent/guardian) and the Housing Department and the police. They are intended to:

- a) Advise the youth that specific types of behaviour are unacceptable and may be a breach of someone else's Conditions of Tenancy
- b) Act as a deterrent to further anti-social behaviour
- c) Act as evidence if the Council decides to take legal action in the future, showing that every possible warning has been given to the youth and their parent/guardian about the consequences of their behaviour.

### Cases Where an ABC may be Appropriate

Acceptable Behaviour Contracts are intended where a youth is causing a serious degree of nuisance, and other action has been taken, but has not worked. ABCs are not intended for use in cases where the behaviour complained about, although serious to the complainant, is the type of behaviour displayed by the majority of youths.

An ABC should be considered if both the estate management section of the Department of Housing and Health and the Metropolitan Police think that either:

- (a) the behaviour of a youth could warrant an application for an Anti-Social Behaviour Order if allowed to continue, or
- (b) the behaviour is serious enough to warrant other action such as injunctive proceedings and/or possession proceedings against a council tenancy and that:
- (c) the use of an ABC would act as a deterrent to such behaviour and/or
- (d) the use of an ABC may either act as evidence in gaining an ASBO, injunction or possession order, or negate the need for such.

### Procedure

1. Possible youth/s identified by estate management or police or forum group containing both agencies.
2. Agreement between both agencies that an ABC is appropriate after checking that case meets criteria and other action has been tried.
3. Checks through estate management records and police records made by estate management section. List of events leading to the youth being asked to sign an ABC should be compiled by EO. Referral made to Social Services Children and Families and Youth Offending Team, if appropriate.

## Appendix D

4. If unacceptable behaviour contains racist incidents, the REC should be made aware of action and given option of attending interview.
5. Appointment letter sent to parent/guardian of youth and copy to youth, enclosing copy of guidance notes. Appointment to be made by estate management, who should make sure that there is a police officer available to attend.
6. If youth/parent/guardian refuses to attend interview, letter (refusal to sign ABC) to be sent. Decision should be made by estate management as to whether further legal action appropriate.
7. Meeting attended by estate management (HCM/EO), police, youth and parent/guardian.
8. Discuss list of events leading to meeting and the possible legal consequences of continuing with this behaviour, e.g. ASBO, possession proceedings etc. Offer youth and parent/guardian option of signing ABC.
9. Explain function of ABC and possible consequences of not complying with contract. Further copy of guidance notes should be made available.
10. If youth or parent/guardian refuses to sign contract, consequences should be explained and followed up with letter (refusal to sign letter). Decision should be made by estate management as to whether further legal action appropriate.
11. Once Contract has been signed, the behaviour of the youth should be reviewed after 3 months, even in cases where there apparently have been no breaches of Contract. EO should check with police/YOT that this is the case.
12. If there have been breaches of the Contract a decision between the police and estate management should be reached whether to:
  - (a) extend the period of the Contract and advise the youth and their parent/guardian that further breaches will result in legal action
  - (b) take legal action against the youth/the tenancy of someone who should be responsible for their behaviourWhen deciding between these options regard should be given to the nature and severity of the breach, and whether it is likely that any legal action would be successful.
13. At the end of the Contract period there should be discussion between the estate management section and the police as to whether there are still concerns about the youth's future behaviour, as in point 12. If there are no longer concerns, the youth and the parent/guardian should be written to, thanked for their co-operation and advised that the Contract period has ended. This is an opportunity to remind the youth/their parent or guardian that action can still be taken if there are further problems.