

## SAFER MERTON: ANTI – SOCIAL BEHAVIOUR UNIT (ASBU)

### Anti-Social Behaviour (ASB) Complaints Policy and Procedure

#### **APPENDIX 3**

Safer Merton is a community safety partnership within the Public Protection division of Environment & Regeneration. Safer Merton's *Anti-social Behaviour Unit (ASBU)* receives complaints of anti social behaviour from members of the public and other stakeholders. Complaints come by telephone, 020 8274 4907, which is also the 24hr reporting line that has a voicemail facility; email ([ASBUnit@merton.gov.uk](mailto:ASBUnit@merton.gov.uk)); letter to Safer Merton, Civic Centre, London Road, Morden SM4 5DX; via on-line reporting such as 'Report It' at [www.merton.gov.uk](http://www.merton.gov.uk), or in person by attending the Civic Centre. Reports are made by members of the public, local businesses, and partner agencies. (Anyone attending the Civic Centre without an appointment cannot guarantee being seen at that time by a member of the ASBU).

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that causes harassment, alarm or distress. Due to the wide range of behaviours this includes, the responsibility for dealing with anti-social behaviour is shared between a number of council departments, and agencies such as the police and social landlords. The ASBU works within the boundaries of the ASB, Crime and Policing Act 2014, and the 1998 Crime and Disorder Act, amongst others.

#### **The ASBU typically deals with complaints such as:**

- Persistent and unreasonable noise nuisance from individuals or groups
- Public disorder affecting the community
- Privately owned homes attracting problems for the local community
- Groups or individuals acting in a intimidating or destructive manner

Not all anti-social behaviour is dealt with by the ASBU; some will be referred to partner agencies to lead, *for example*, to Environmental Health for matters relating to amplified noise such as loud music; Waste Enforcement for dog fouling; Police for hate crime or criminal damage, Housing Association for problems coming from one of their properties or their tenant(s).

#### **The ASBU cannot deal with all matters that may be considered a nuisance or distressing. Examples of these include:**

- One-off incidents about noise disturbance or arguments;
- Noise from children playing;
- Domestic activity, including walking on uncarpeted floors, banging doors, using domestic appliances;
- Civil disputes such as boundary issues or parking spaces;
- Tenant or landlord disputes;
- Smoking (legal substances) close to a residential or business property.

*However*, the ASBU are happy to give advice on dealing with those issues and which services they can contact, or make a referral to other agencies, such as **Merton and Sutton Mediation Service** (see below).

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Complaints of anti-social behaviour are dealt with in confidence. The complainant's details are not revealed to the respondent, unless with specific permission from the complainant, although the respondent may make a presumption about the source of any complaint. Details may be shared with partner agencies that follow the same guidelines.

#### When a complaint is received the officer will:

- Aim to respond to the initial complaint within 2 working days for most complaints (but see **Response Times**)
- Assess the information provided to ascertain whether it is suitable for ASBU intervention and advise;
- Give advice on how the complainant can help address the issues themselves, and keep themselves safe;
- Give advice on who is best placed to deal with the complaint;
- If suitable for ASBU intervention or referral to partner agency, record on the ASBU database system (Sentinel), which creates a case reference number. Include contact details of the complainant (or note if the complainant is anonymous); nuisance address or location and/or subject name if known; details of incident(s), other information useful to the investigation, including any witness, landlord or police reference details if available. This will be referred to as the interview.
- Anonymous complaints (where the complainant has not made it possible seek further information or to update complainant) will undergo assessment to see if the complaint can be corroborated before contact is considered to be made with the respondent or alleged perpetrator(s), to avoid proceeding on malicious or vexatious complaints.

#### For cases led by ASBU the officer will:

- Conduct a Risk Assessment of the complainant;
- Request the complainant completes and returns an ASBU diary of incidents (a C105 diary sheets can be supplied by ASBU) as part of the case procedures, unless the situation is judged by the officer that a diary completion is not suitable for the case.
- Grade the case Level 1, 2 or 3 (subject to change). See **Grading and Response Times**
- Meet the complainant face to face when it is felt to be beneficial, via a home visit or appointment at the Civic Centre at a time and date suitable for both. A request from the complainant for a home visit will be accommodated by the officer where possible. Home and site visits will be risked accessed by the visiting officer.
- Record a summary of the interview with the complainant;
- Consider no further action and closing the case if a requested completed diary is not received within a reasonable time;
- Evaluate the information on the completed diary received to ascertain if it is persistent anti-social behaviour or meets the criteria for ASBU to lead on an investigation.

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- When appropriate, and with the complainant's consent, contact the respondent(s), usually in the form of a standard letter (C102) stating a complainant has been made against them or their household and asking they contact the ASBU;
- Interview the respondent(s), giving details of the complaint and an opportunity to respond to the allegations;
- Feed back a summary of the respondent's comments to the complainant and discuss remedy options.
- Co-ordinate multi agency resolutions, and share information when necessary with appropriate agencies/departments. Other agencies/departments includes, but is not restricted to, Catch22 Merton YP Risk & Resilience Outreach Workers, Circle Housing Community Safety and Neighbourhood Wardens, Education Departments, Environmental Health, Housing Associations, Licensing, Local Police teams, London Ambulance Service, London Fire Service, MASH (Multi Agency Safeguarding Hub), Mental Health Teams, Merton and Sutton Mediation Service, Merton Parking and CCTV, Neighbourhood Watch, Planning, Safer Schools Officers, Thames Reach Homelessness charity, Trading Standards, Waste Enforcement, Youth Services.

#### Grading and Response Times to Initial Complaint

- Level 1: respond within 24 hours.  
*Harassment and intimidation causing severe distress and compromising the immediate safety and well being of individual(s)*
- Level 2: respond within 2 working days, and interview within 5 working days.  
*Persistent anti-social behaviour, causing harassment, alarm and distress, or interferes with other people's rights to peaceful enjoyment of their home and community. No immediate danger to complainant or others.*
- Level 3: respond within 7 working days.  
*Nuisance behaviour that is unlikely to cause harassment, alarm or distress in the short term*

For more information see **ASB - Minimum Standards** at [www.merton.gov.uk](http://www.merton.gov.uk)

#### Options for Resolution

Some cases often do not have independent witnesses or other evidence to corroborate that anti-social behaviour is taking place. Others involve matters that are a nuisance but not classed as anti-social behaviour. In these instances ASBU will look at the following options:

- Notifying the respondent that there is a problem with a view that this can then be resolved between the different parties;
- Initial informal mediation between both parties to establish agreed conduct

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- In the case of private tenanted properties, making the landlord aware and assisting with advice, attending meetings to discuss the complaint if necessary;
- A referral to Merton and Sutton Mediation Service when initial informal mediation with parties to establish agreed conduct has failed. Both sides of the dispute need to agree to the referral.
- A referral to Merton's Dispute Information Advise Service (DIAS) which is being run by to Merton and Sutton Mediation Service (a trialled service between October 2015 and March 2016) as an alternative to a referral to mediation. Parties in the dispute can be referred separately.

### Merton and Sutton Mediation Service

Safer Merton commissions a mediation service as an additional tool to dealing with complaints of anti-social behaviour. ASBU will fund a referral for suitable cases. Further information on mediation can be found at

<http://www.mertonandsuttonmediation.com/>

### Formal Action by ASBU

- Formal or enforcement action will be considered when there is good evidence of anti-social behaviour;
- Evidence in support will include signed diary sheets, signed statement, other witness testimony, documentation, and physical evidence;
- Formal action can be in the form, but not limited to: an Anti-social Behaviour Warning Letter, an Acceptable Behaviour Agreement (voluntary), a Good Neighbour Agreement (voluntary), a Harassment Warning Letter, a Community Protection Notice, a Closure Order, Civil Injunction, Criminal Behaviour Order;
- Any action will be recorded with ASBU and monitored whilst in effect;
- Formal action would normally be agreed via the officer nominating to the ASB Case Panel where the case will also be discussed by other agencies.

If an individual, a business or community group, have complained to the council, police or a registered housing provider about three incidents about an anti-social behaviour issue in the last six months and you consider no action has been taken there is a right to call a case review, called a **Community Trigger**. Information on the Community Trigger can be found on the Merton Website or from the ASBU.

### Equalities statement

All cases will be judged on their own merit. Safer Merton is committed to ensuring any parties involved receives less favourable treatment on the grounds of: Religious belief or political opinion; Race (including colour, nationality, ethnic or national origins); Disability; Gender, including gender reassignment; Marital or civil partnership status; Sexual orientation; Age.