

CHAPTER

10

**Anti Social Behaviour Policy
&
Anti Social Behaviour Procedure**

ADUR
DISTRICT COUNCIL



1.0 Anti Social Behaviour Policy

1.0 Introduction

1.1 Adur District Council Housing Management Division first produced its policy and procedure for dealing with Anti-Social Behaviour (ASB) in August 2001. It was produced jointly by staff and The Adur Consultative Forum (ACF).

The Housing Act 2003 required local authority housing providers to publish a statement of its policies and procedures for dealing with ASB, by December 31st 2004.

In light of this, the policy and procedure was reviewed during 2004 in consultation with staff, the ACF, other interested organisations and stake holders.

The first part of this document consists of the statement of policy. The second contains the statement of procedure. Summaries of each are available.

Adur's approach to dealing with ASB is constantly evolving and adapting as new legislation, and examples of best practise are introduced, or the needs of the local community change.

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In order to ensure Adur's policies and procedures evolve in response to changing priorities, the following measures are in place:

- Adur is an active member of the Social Landlords Crime and Nuisance Group
- Staff and ACF members receive regular training on courses both external and in-house on how to deal effectively with ASB and racial equalities issues
- All staff who deal with ASB have access to the internet as well as housing and legal journals and are encouraged to keep up to date with best practise and legislative changes via appropriate websites such as www.together, and www.odpm.
- Adurs policies and procedures for dealing with ASB emphasise multi-agency working, diversionary activities and preventative measures.

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2.0 Anti Social Behaviour Policy

2.0 Purposes of the Policy

- 2.1** To provide a clear and widely accepted definition of what constitutes ASB.
- 2.2** To ensure Adur provides strong local response to ASB and that a range of preventative measures are in place.
- 2.3** To provide clear information to complainants on the standard of service they can expect to receive and the provision of support available to witnesses.
- 2.4** To communicate a clear message to Adur's residents on the serious nature of ASB and advise them of the strategic way the Council deals with it.
- 2.5** To enable staff to feel confident when following a comprehensive ASB procedure which encourages flexibility, consultation and discretion.
- 2.6** To comply with section 218A of the 1996 Housing Act inserted by section 12 of the 2003 Anti Social Behaviour Act which introduced the statutory obligation on housing providers to prepare and publish policies and procedures in relation to anti-social behaviour.
- 2.7** To demonstrate how this procedure for tackling nuisance amongst council owned property works in conjunction with corporate procedures. To ensure a consistent approach to tackling nuisance and anti-social behaviour across all housing tenures within the district.

3.0 Background

3.1 The Adur Crime and Disorder Partnership (CDRP), and the recent review of the Tenant Participation Compact have identified the increase of anti social behaviour as a key concern for Adur's residents.

3.2 The CDRP seeks to reduce certain types of behaviour including:

- ASB amongst young people,
- misuse of alcohol and other substances,
- domestic violence and abuse,
- ASB in the local communities.
- burglary
- violent crime
- car crime

3.3 This policy and procedure was adopted by Housing and Central Services Committee on November 2nd 2004 after consultation with the following:

- The Adur Consultative Forum
- The Adur leaseholders Forum
- Staff and elected members
- Local Citizens Advice Bureaux
- The Adur Crime and Reduction Partnership
- Youth Offending Team
- Social Services
- Police

4.0 Anti Social Behaviour Policy

4.0 What Constitutes Anti Social Behaviour

4.1 For the purposes of Adur Housing Management Services statement of Policy and Procedure for dealing with ASB, the 1996 Housing Act sections 153A(1) and 153B(2) have been adopted. This defines ASB as any conduct which:

"Is capable of causing nuisance or annoyance to any person" "directly or indirectly relates to any housing management functions of a relevant landlord"; or "Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose".

4.2 ASB includes but is not limited to:

- Noise nuisance (for example music, shouting, barking dogs)
- Intimidation and harassment
- Aggressive and threatening language and behaviour
- Actual violence against people and property
- Local environmental quality issues (for example dog fouling, fly tipping, graffiti)
- Using housing accommodation to sell drugs or for other unlawful purposes
- Hate behaviour that targets members of identified groups because of the perceived differences (for example race and ethnicity, gender, mental health, disability or sexual orientation)

4.3 ASB may or may not constitute criminal activity. The key factor is whether the behaviour in question has a negative impact on one or more persons, not of the same household.

Anti Social Behaviour Policy

5.0 The Strategic Context

- 5.1** This Statement of Policy and Procedure is based on the original Policy and Procedure produced by Adur Housing Services Section in 2001. It has been strengthened by incorporating the
- 5.2** guidance from the Office of the Deputy Prime Minister, in meeting the requirements of the Housing Act 1986 with the new strengthened powers for local authority housing providers contained in s.12 of the ASB Act 2003.

Both the statement of policy and the procedure make reference to the wider context of combating anti-social behaviour within the Adur district, in particular;

- When to adopt a multi-agency approach to solving ASB.
- It links action taken to deal with ASB in Council owned properties to that taken to combat ASB in other housing tenures by identifying the point at which a corporate or multi-agency approach is adopted
- How information is shared between agencies

6.0 The Obligation of Tenants

- 6.1** The obligations of secure tenants* of Adur District Council are contained within their conditions of tenancy. The conditions of tenancy were updated in 2002 and a revised copy was sent to all tenants. Housing Management Officers go through the conditions of tenancy with all new tenants and give them a copy when they sign for their new tenancy.
- 6.2** The conditions of tenancy state: “Tenants are responsible for any nuisance, annoyance, disturbance or other anti-social behaviour caused, permitted or carried out at home or in the locality by yourself or any other persons living in or visiting the home. Neither the tenant or anyone living in, staying with or visiting the dwelling house shall permit or carry out” :-

- Nuisance to neighbours in the form of loud music, DIY noise, household appliance noise, shouting, intimidating behaviour, door slamming, noisy pets or any other noise, which may cause a disturbance.
- Harassment of neighbours for any reason including their colour, race, nationality, ethnic origin, age, sex, sexuality, disability, religion, physical appearance etc.
- Abuse, threaten or assault any employee, agent or contractor of Adur District Council
- Use or threaten violence or allow any violence to be used or threatened against any person living in the premises such as to give that person reasonable cause to cease to live in the premises.
- An arrestable offence in the home or on the surrounding area.
- Damage, vandalism or graffiti to any property.
- Any immoral, illegal or criminal activity in your own home or in the locality

Anti Social Behaviour Policy

7.0 Support of Complainants and Witnesses

7.1 The council takes the protection of witnesses/complainants very seriously, in all cases the council will;

- Provide clear information on how to report incidents of ASB
- Investigate all reports of ASB promptly
- Provide telephone or face to face translators if necessary
- Keep witnesses/complainants informed of action at every stage within the bounds of confidentiality
- Work closely with other agencies to maximise support and protection for complainants and witnesses.

7.2 In cases where residents are acting as witnesses the council will treat their safety with paramount importance and will consider a range of options depending on the individual circumstances.

7.3 This may include:

- installation of better home security - e.g panic buttons and new locks
- use of professional witnesses
- CCTV
- temporary or permanent re-housing
- facilitation of transport and accompaniment/escort to court
- provision of support at court
- the provision of ongoing support following resolution of legal action or other measures
- Referral to the National Witness Mobility Scheme

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Anti Social Behaviour Policy

8.0 Prevention of Anti-Social Behaviour

8.1 Prevention of ASB is a key aspect of Adur's approach to tackling ASB. Some preventative measures are in place permanently, others are used as required and as examples of best practice are developed.

8.2 Some examples of preventative measures that have been used are:

- A summer holiday activity programme for children and young people
- Evening football and basketball clubs for children and young people
- Strong multi-agency working, close links have been established with the Youth Offending Team and local youth workers
- Research into the closure of alleyways
- Following the demise of the Adur Independent Mediation Service, links are being established with Horsham's mediation service
- Acceptable Behaviour Contracts
- Adur has access to floating support for vulnerable tenants
- Intensive housing management service to areas where there are particular problems with ASB

9.0 Domestic Violence

9.1 Adur District Council has a domestic violence project based at the Civic Centre and is a member of the West Sussex wide forum for dealing with domestic violence. This service can be accessed by contacting 01273 263413.

Anti Social Behaviour Policy

10.0 Racial and other Harassment

10.1 Adur District Council has a dedicated procedure for dealing with racially motivated incidents of anti-social behaviour. Certain officers throughout the council have been trained in taking statements from the victims of racially motivated incidents. The Local Office Manager can be contacted for more information on this service.

11.0. Sharing Information

11.1 Adur District Council has signed up to an inter-agency protocol for sharing information between the council, police, probation service and health authority, for the purposes of reducing crime and disorder in Sussex. The Council has a nominated Officer through which information can be exchanged. The Local Office Manager can advise further on the protocol for inter agency information exchange.

12.0 Publicity

Adur District Council will generally publicise, using all forms of media, the successful outcomes of any cases we deal with, subject to consideration in each case of the affect publicity may have on the individual(s) involved. The aim and purpose of this strategy is to increase the feeling of community safety amongst our residents, and that we are committed to taking a robust approach to tackling ASB, so as to act as a deterrent.

Anti Social Behaviour Procedure

Introduction

This procedure aims to:

give those suffering from anti-social behaviour (ASB) a clear guide to what measures are available to deal with the problem, the level of service they can expect to receive and the time scales within which they can expect to have their complaint dealt with.

give a clear guide to staff so they can deal confidently and effectively in response to complaints of ASB.

This procedure needs to be read in conjunction with the ASB Policy. The following seven stages provide a guide as to what action can be taken at each stage. Given the diverse nature of anti-social behaviour the action may sometimes need to be tailored to tailor the specific incident, and if things suddenly escalate it may be necessary to advance through the stages more quickly.

STAGE 1

Anti Social Behaviour Procedure

Receiving report of/reporting ASB

STAGE 1

CUSTOMER ACTION	OFFICER ACTION	TIMESCALE
Report problem	Receiving officer makes a file note of the problem, dates and signs.	Immediately
	Define severity AB or C	Immediately
	Inform customer of category of problem and consequently the action to be taken. If category A then move straight to Stage 2a.	Immediately
	Complete ASB monitoring form	As soon as possible

Supporting Notes for Stage 1: Reporting Anti-Social Behaviour

Complaints of ASB should be reported to the Housing Management Officer, Housing Assistant or Housing Enquiries Officer, based at the Local Housing Offices in the following ways:

- in writing
- in person (Private rooms are available)
- by phone

Recording the Incident

All incidents of ASB that are not submitted by the complainant in writing, must be recorded by the officer receiving the complaint, signed and dated.

If the receiving officer suspects the complaint may fall into category A, they should pass it to the HMO for an initial assessment.

HMOs will subsequently record every incident on an anti-social behaviour monitoring form.

Defining Severity

For the person experiencing anti-social behaviour the council realises that it is always serious, however for the purposes of prioritising the heavy workloads of HMOs the following guidelines are made for defining speed of response.

Category A - Serious Cases

Such cases would include a threatened or actual physical attack on either an individual or property or racially motivated intimidation or harassment. The complainant should be advised to contact the police, if they have not already done so.

In these types of cases it is reasonable to assume that the complaint is genuine, however the complaint should be investigated the complaint before taking any action so as to get a balanced account of the alleged incident.

Category B - Less Serious Cases

When a complaint of anti social behaviour involves a less serious allegation such as regular noise nuisance or a dog left to bark for prolonged periods of time.

Category C - Minor Neighbour Disputes:

Category C cases are one on one disputes between neighbours of a low level. For example calls about a baby crying or a neighbouring cat entering a garden.

STAGE 2

Anti Social Behaviour Procedure

STAGE 2A Initial response in Category A - serious cases

CUSTOMER ACTION	OFFICER ACTION	TIMESCALE
Report incident to Police	Liaise with Police	Immediately
	Informs LOM or other senior Officer	Immediately
	Alert Housing Needs Manager of possible requirement for emergency accommodation	Immediately

STAGE 2B Initial follow up in Category B - less serious cases

Approach person causing nuisance and attempts a peaceful solution	Advise when and why this is the correct course of action and when it should be avoided	During initial discussion or within 7 days of receiving complaint
	Explains to customer what the next stage of action will be - see Stage 3.	During initial discussion or within 7 days of receiving complain

STAGE 2B Initial follow up in Category C - minor neighbour disputes

Approach person causing nuisance and attempts a peaceful solution	Advise when and why this is the correct course of action and when it should be avoided	During initial discussion or within 7 days of receiving complaint
	Explains to customer that there is no further role for the council unless the situation changes.	During initial discussion or within 7 days of receiving complain

Supporting Notes for Stage 2a: Serious Cases

Liaison with Police - When the HMO considers a case to be of a serious nature, they should liaise with the Police, and discover the action they are taking. However the HMO would also be expected to take their own action. At which stage of the procedure this action would commence depends upon the nature of the incident and the outcome of the discussions with the Police and Local Office Manager.

Discuss with Local Office Manager – If the Local Office Manager is not available the HMO should bring the matter to the Head of Housing Management Services.

Emergency Accommodation - If the police confirm the complainant's report and they advise there is a serious threat to them if they remain at the property the HMO should ask the welfare section to find temporary safe accommodation while the situation is investigated further. (See policy statement 4 on the protection of complainants and witnesses).

Following up less serious Cases: Within 7 days of receiving a complaint the HMO needs to make contact with the complainant and explain to the customer, what action will be taken next. This should consist of a discussion around the options contained in Stage 3. There are certain instances when it may be correct to advise the customer to approach their neighbour themselves or that there is no further role for the Council. In both these situations the customer should be advised clearly why this is the case (see below).

Following up less serious Cases: Within 7 days of receiving a complaint the HMO needs to make contact with the complainant and explain to the customer, what action will be taken next. This should consist of a discussion around the options contained in Stage 3. There are certain instances when it may be correct to

STAGE 2

Anti Social Behaviour Procedure

advise the customer to approach their neighbour themselves or that there is no further role for the Council. In both these situations the customer should be advised clearly why this is the case (see below).

Approach Your neighbour: In less serious cases complainants should be advised to try and approach the neighbour causing the problem and resolve the problem amicably themselves, but only if this does not put them at risk.

This is for two reasons:

- The person/people may be unaware of the nuisance they are causing,
- If further action is taken at a later stage it can be more effective if every attempt to resolve the situation peacefully can be demonstrated.

STAGE 2c - Follow up in Category C - Minor Neighbour disputes

No Further Action: Occasionally customers bring to the council problems where it is inappropriate for officers to become involved. In these cases the HMO will advise the customer that there will be no action taken, the reasons why and what the customer needs to do to resolve the issues. Some examples of the sort of cases where this would apply are:

- one off parties
- one on one minor disputes
- babies crying
- when the complaint is racially motivated or in other way the result of an individuals intolerance
- when the complaint is about noise that reflects of day to day living

STAGE 3

Anti Social Behaviour Procedure

STAGE 3

Taking action

CUSTOMER ACTION	OFFICER ACTION	TIMESCALE
Report any further serious incidents	Initial Warning to person alleged to be causing ASB <ul style="list-style-type: none">• Visit alleged perpetrator• Letter confirming action, if any.	Within 7 Days of receiving initial complaint
	<ul style="list-style-type: none">• Visit to complainant• Letter to complainant confirming action• advising what the next stage will be	Within 14 days of receiving initial complaint
	Keeps records of visits and letters	
Contacts HMO if problems continue after the initial warning	Moves to Stage 4	

Supporting Information for Stage 3: Taking Action

Initial Warning: If the complainant approaching the neighbour achieves no resolution, or if this was felt to be inappropriate then the HMO should investigate and satisfy themselves that the behaviour complained of has occurred. If they are satisfied then the HMO should warn the alleged perpetrator. This would normally be by visit and follow up letter. The complainant should be visited after this initial action and advised of what action has been taken and what can be done if the problem continues. Again this should be confirmed in writing.

STAGE 4

Anti Social Behaviour Procedure

STAGE 4

Follow up action

CUSTOMER ACTION	OFFICER ACTION	TIMESCALE
Report further problems	Issues nuisance diaries	When report of continued problems is received.
Completes diaries	If nuisance diaries do demonstrate a breach of tenancy, the HMO should write a letter warning that any further breaches of tenancy may result in legal action	Within 7 days of receiving the report continued problems
Attends mediation	Refers to mediation	As above
	Liaises with other agencies as appropriate (see below)	As above
	Consider use of DAT recorder/CCTV	As above
	Keeps complainant informed and carries out risk assessment of complainant	As progress is made
	Keeps clear records of any action taken	As above

Supporting Information for Stage 4: Follow Up Action

Stage 4. Follow Up Action: - If the complaints continue and are substantiated the HMO should write and/or visit and point out the action that will be taken if the nuisance continues.

Other action the HMO should consider at this stage is:

- Referral to mediation
- Referral to floating support
- Liaison with other agencies e.g Police, Social Services Youth Offending Team
- Informal mediation and negotiation
- Completion of noise diaries and DAT recorders (a DAT recorder is issued by the Environmental Health Officer and records the level of noise from neighbouring properties, the EHO can then judge whether the noise level exceeds legally acceptable levels)
- Use of mobile CCTV

Record Action: A complete record of all action taken should be kept on the house file.

Keep complainant informed: The tenant must be advised on action that the council can take and what this will require of them in this instance.

STAGE 5

Anti Social Behaviour Procedure

STAGE 5

Deciding whether or not to take legal action

CUSTOMER ACTION

OFFICER ACTION

Keeps diaries and written record of any incidents

Interviews alleged perpetrator again and explains consequences of continued tenancy breaches

Informs complainant: what the options are available to the council, what the complainant needs to do, of the protection the council can offer the complainant

Provides witness statements with the help of the HMO

Collate evidence and provide a summary report to the Local Office Manager

Local Office Manager and HMO meet to discuss the most appropriate action

Complainant and perpetrator are advised in writing what the next stage will be

If no further action is possible, following discussions with the LOM and/or Legal Section then the customer should be clearly advised of the reasons and given details of systems of redress

Supporting Information for Stage 5:

Deciding whether or not it is possible to take legal action

If it has been established that the ASB is serious and sustained, and previous action has proved ineffectual, the HMO should:

- Ensure all possibilities of preventative action have been explored for example, has the possibility of floating support been considered? See Stage 6 for further examples of preventative action.

continue 



- Meet with the Local Office Manager and review the case and consider the most appropriate action:
- Arrange an interview with the person(s) causing the ASB and warn them of the implications of legal action being taken against them, confirm this in writing
- Send complainant a letter confirming what action is being considered
- Advise the complainant what they need to be doing for example keeping noise diaries.
- Consideration should be made of what the appropriate legal action will ensue if these final warnings are not successful. See stage 7, and with this in mind the HMO should collate all the evidence to date, including details of witnesses, noise diaries, DAT recordings, CCTV evidence, and the HMO's own notes.

No Further Action

There are times when it is not possible to take legal action and it is not possible for the Council to take any further action. This maybe the case when it is not possible to obtain evidence to substantiate the complaints.

The HMO should have explored all the possibilities detailed in Stage 4. The HMO must clearly detail in writing to the customer the reasons why it is not possible to take any further action.

The customer should at this stage be provided with details of systems of redress if they are unhappy with how their complaints of ASB have been dealt with. This takes the form of the corporate complaints procedure initially then the Local Government Ombudsman.

STAGE 6

Anti Social Behaviour Procedure

STAGE 6

Preventative action

Acceptable Behaviour Contract (ABCs)

Usually, (but not exclusively) aimed at children and young people. ABCs are a contract signed by the individual causing a nuisance, agreeing to refrain from certain actions.

This would normally be drawn up on the recommendations of a Problem Solving Group as a first step to an ASBO. Although the HMO can work with the Police and legal division to draw up an ABC.

Mediation

An independent third party negotiating a peaceful solution between those suffering and those causing ASB

A referral can be made by the HMO or the individual

Diversionsary Projects

These can take many forms, and are aimed at providing facilities and opportunities for those who would otherwise engage in ASB

The HMO needs to work with a variety of agencies, such as Youth Offending Team, Community Support Workers. Recent examples have included a skateboard park youth shelters, football and basketball coaching

Designing Out Crime Initiatives

Changes to the physical environment to reduce ASB

For example better lighting.

Floating Support

A housing officer who specialises in providing additional help to tenants with mental ill health. This may include helping tenants keep to the conditions of their tenancy

The HMO needs to complete a referral form with the tenant suffering the mental ill health and send it to Southdown Housing Association

Anti Social Behaviour Procedure

STAGE 7

Legal action

LEGAL ACTION	SUMMARY OF WHAT ACTION INVOLVES
Anti-Social Behaviour Order An order by a court restricting an individual's behaviour	The HMO in conjunction with Anti-Social Behaviour Co-ordinator will convene a problem solving meeting, where all the relevant agencies decide the best way of resolving the problems either by legal means or by support of the person(s) causing the ASB or a mixture of both. If an ASBO is to be sought, a case conference will be held.
Possession Action Applying to court for an eviction order	The HMO will serve a Notice of Possession Proceedings, then all the evidence including witness statements, these will then be sent to legal via the Local Office Manager. The Council and witnesses will need to persuade a court to grant an eviction order
Demoted Tenancies Removing certain rights of a secure tenant for one year	As above
Injunctions An order by the court compelling a person to do something or refrain from doing something	As above

STAGE 7

Anti Social Behaviour Procedure

Supporting Information for Stage 7: Taking legal action

There are several courses of legal action available to the council depending on the nature of the anti social behaviour and the type and amount of evidence obtained. For this reason the recording of events and collection of evidence from the outset is very important as without it legal action may not be possible.

It is important to be aware that the council cannot take any of the legal options directly it must apply to a court. The court will expect evidence by witnesses. The Council will, however, consider alternative witnesses, such as professional witnesses and HMOs giving hearsay evidence if there is a risk to the tenant witness and will take precautions to protect anyone who gives evidence. (See section 7 of the ASB policy).

Before advising the complainant that legal proceedings are to be commenced, the HMO should firstly confirm this with legal services.

Depending on the course of legal action, referral may at this stage be made to the Anti-Social Behaviour Caseworker. All referrals need to be made through the Local Offices Manager.

Adur Homes Service

Adur & Worthing Councils
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS

The information in these leaflets is available in alternative formats (e.g. large print). If you should require these please contact us.