



HOUSING SERVICES

SUMMARY OF

POLICIES & PROCEDURES

FOR

ANTI-SOCIAL BEHAVIOUR

(ASB)

Introduction

1.01 This document is a summary of our Policies and Procedures for dealing with anti-social behaviour (ASB).

1.02 The Anti-Social Behaviour Act 2003 requires that we publish this document in various formats and make it available to all, alongside our Policies and Procedures.

1.03 Readers should note that the discretion to act, or not to, is entirely ours and in no way are we, as a Service, by publishing this document, making any undertakings to take any such action.

Aim and Attitude

2.01 We believe that all residents, visitors and workers in the borough are entitled to live, socialise and work without harassment or fear.

2.02 Our mission is to:

“Protect residents, visitors and workers in the borough from Anti-Social Behaviour, irrespective of their age, disability, ethnicity, gender, sexual orientation or religious belief by supporting victims and taking swift and positive action against perpetrators”.

2.03 Housing Services will deal with complaints about council tenants, members of their household, or visitors to their property (including children). We have no remit to deal with complaints between either private tenants or owner-occupiers.

2.04 The Crime and Disorder Act 1998 requires Thurrock Council, Essex Fire and Rescue Service, Essex Police and the Thurrock Primary Care Trust to produce a Crime and Disorder Reduction Strategy. The ‘Partnership’ is called ‘The Safer Thurrock Partnership’.

2.05 Included in the overall strategy are objectives for reducing ASB and Hate Crime. An Anti-Social Behaviour Delivery Group (ASBDG) meets on a regular basis to discuss ways of dealing with ASB and perpetrators.

2.06 The Government has shown an increased priority in dealing with ASB. New legislation in the form of the Anti-Social Behaviour Act 2003 has been introduced. The Act gave local agencies the tools to get on with the job it supports local authorities, landlords, police and the community in tackling ASB.

2.07 Tenants who choose not to respect their homes or the community they live in could face losing their homes unless their behaviour changes. A key part of tackling ASB is to ensure that tenants know exactly what behaviour is acceptable.

2.08 The Tenancy Agreement clearly sets out the responsibilities of our tenants and what standards, attitude and behaviours are regarded as acceptable.

2.09 Any breach of the Tenancy Agreement could result in legal action, ultimately eviction, if a satisfactory alternative solution cannot be achieved.

Definitions

3.01 Anti-social behaviour can be behaviour that opposes society's norms and accepted standards.

3.02 It is defined in the Crime and Disorder Act 1998 as 'actions carried out by an individual/s in a manner which caused, or was likely to cause, alarm, distress or harassment to one or more people not in the same household'.

3.03 Examples of anti-social behaviour include: - noise nuisance; intimidation and harassment; local environmental quality issues (e.g. litter, dog fouling, graffiti, fly tipping and nuisance vehicles); aggressive and threatening language and behaviour; violence against people and property; targeting people because of perceived differences; using accommodation to sell, cultivate or produce drugs.

3.04 It should be remembered that what one person regards as ASB may not be regarded as such by others. ASB can be a very subjective matter and attitudes may vary in different areas.

What can I do?

4.01 Complaints about anti-social behaviour should be made in confidence to your estate officer based at your local housing office

4.02 Your estate officer will investigate the complaint and consider appropriate action based on council policy. Your estate officer will discuss with you what action can realistically be taken at that stage and you will receive a written response.

4.04 Some complaints may be as a result of differing lifestyles and allowances have to be made for this.

4.05 Housing Services' policy is to encourage complainants who allege anti-social behaviour from neighbours, to first discuss the problem with the person who is the subject of the complaint to try to resolve the problem between themselves.

4.06 Very often people are unaware that their actions are causing a problem and would prefer it is their neighbour spoke to them rather than receive a formal visit from a Housing Services Officer.

What happens next?

5.01 Anti-social behaviour caused by a Council tenant, or someone else living at or visiting the property (including children) can be dealt with as a breach of the Tenancy Conditions.

5.02 In addition, the tenant is responsible for the behaviour of those living in the home in any other part of the borough including council offices.

5.03 The estate officer for the area will initially investigate complaints. The officer will make it clear to the tenant responsible for the behaviour:

- The specific breach of the tenancy
- The future expected standard of behaviour
- That if the behaviour ceases, no further action will be taken, but
- If it should continue, further action would have to be considered and could, eventually, lead to eviction.

5.04 Initially, Area Offices will investigate all complaints, including those made anonymously; noting that action in these cases may be limited.

5.05 Complaints will be regarded as either Low or High Level. Low Level complaints will include matters such as: neighbour disputes involving no other parties; minor breaches of tenancy; pets; neglect of garden; noise; access disputes, litter. These complaints will continue to be dealt with by Area Offices.

5.06 Low Level matters can develop into a High Level case and serious complaints such as threatened or actual violence, drug dealing, or hate crime, are regarded as high level.

5.07 When a case is considered High Level a referral may be made to the Anti-Social Behaviour Team, a dedicated resource who in the vast majority of cases (work load permitting) will take on and investigate such cases.

5.08 In addition the team undertakes joint working, long-term problem solving and seeks to encourage the implementation of diversionary tactics and programmes.

5.09 It also works closely with Area Offices, Legal Services and Crime & Disorder Partners, as well as providing a central point of contact for complainant and witnesses and many other people concerned with ASB.

5.10 Complaints are dealt with within strict timescales; the complainant will be told how the complaint will be dealt with and given contact numbers including an emergency out-of-hours number. We will assess the home environment to understand what witness protection measures are required (such as installing new locks on windows and doors or a panic button).

Continuing Nuisance

6.01 We use an incremental approach in dealing with complaints of ASB.

6.02 Effective solutions to these problems are not the responsibility of a single agency or organisation; residents, tenants, complainants and witnesses, the police, social services, schools, businesses and many other groups have a role and responsibility to tackle ASB.

6.03 We aim to address and change the behaviour of the individual(s) rather than evict whole families. We will always aim to use an incremental approach and make early interventions in order to overcome or prevent the deterioration of a situation. When this is not possible, and only as a last resort, we will use legal sanctions.

6.04 If the anti-social behaviour continues there are several approaches that Housing Services can take, dependent on how serious the complaint is, these include:

- **Mediation** – This has a proven track record in resolving conflicts and disputes by allowing those involved to settle the matter to their satisfaction. Both parties must be willing to seek a solution and if an agreement is made, it will have to be their decision to do so. A Mediator will be provided to help those involved through the process and make sure the meetings are run in a fair and productive way.
- **Acceptable Behaviour Contracts** – These do not have the same legal status as Anti-Social Behaviour Orders (ASBOs). However, they can be effective and prevent more serious incidents. They can be put in place quite quickly and, if breached, can lead to ASBOs, injunctions or, in some cases, eviction. They are signed by the individual and, where appropriate, their parents or guardian. The signatures are witnessed by Housing and Police officers.
- **Good Neighbour Contracts** – A GNC is defined as a means of reinforcing, in a positive way, a tenant's responsibilities for the behaviour of them self, their family or anyone else either residing at, or visiting their property, without recourse to legal sanctions.

The GNC is similar in format to an ABC, but is intended to reinforce with tenants their responsibilities for the behaviour of themselves, their families or anyone else either residing at, or visiting, the property

Any breach can be used in evidence in formal court proceedings, showing that we tried to resolve the problem in as inclusive and non-penalising a way as possible, but that the tenant failed to keep their side of the contract.

- **Anti-Social Behaviour Orders (ASBO)**

These are designed to restrict a person's behaviour and can be made against anyone aged 10 years of age or above and who has acted in a manner that caused, or was likely to cause, harassment, alarm or distress to one or more persons not of the same household as himself.

Breaches of an order are criminal offences and carry a maximum penalty of five years in prison, a substantial fine or both.

- **Anti-Social Behaviour Injunctions**

These compel a person to do, or forbid a person from doing something. Attached to an injunction maybe a power of arrest in relation to a breach, or an anticipated breach of the terms of the tenancy agreement. Breaches of an injunction maybe viewed as contempt of court and could lead to a fine or imprisonment.

- **Parental Control Agreements**

This is the same as an ABC except that the parent(s) or guardian(s) take full responsibility for their child's behaviour.

The contracts usually last 6 months, although they can be renewed. These are appropriate where a child is under 10 years of age and under the age of criminal responsibility.

- **Possession Proceedings**

Housing Services is committed to preventing anti-social behaviour, and if all other options fail, eviction will be pursued.

6.05 ASBO's and possession proceedings involve fairly lengthy legal processes and can, therefore, take some time to resolve nuisance or anti-social behaviour. These options are likely to be used where the early actions have failed with eviction being kept as a final option.

6.06 Other options such as a Demotion Order or an interim ASBO could also be considered.

6.07 In any case where the tenant or anyone living with or visiting the tenant is convicted of drug dealing, possession with intent to supply or cultivating/producing at the premises, then possession proceedings will be initiated.

6.08 There may, however, be some cases, such as no real or significant breach of tenancy conditions, lack of evidence, no witnesses etc., where no further action can be taken. The Estate Officer will keep the complainant informed.

6.09 During the investigation of any complaint, and any resultant action, we pay due regard to the requirements of the Disability Discrimination Act 1995 and the Human Rights Act 1998. We treat people as individuals in a fair and

just way irrespective of their age, disability, ethnicity, gender, gender identity, sexual orientation or religious belief.

6.10 If a complainant, witness or alleged perpetrator has communication problems, then the services of an interpreter or appropriate adult should be utilised. Communication problems could include where the person's first language is not English or where they have communication or learning difficulties.

Prevention

7.01 Prevention is an essential part of our approach to ASB. As such, a range of initiatives can be used including:

- Enforcement Officers
- Designing out Crime
- Concierge Scheme
- The Rehabilitation of Perpetrators (Young People and Adults)
- Youth Offending Service (YOS)
- Youth Service

Other Services

8.01 The council offers an out of hours noise nuisance service that covers peak nuisance hours (these tend to be at weekends). This service is operated jointly by Environmental Services and the Police and can be accessed by phoning the Council's Emergency Standby number (01375-372468).

8.02 Dumping rubbish and fly tipping is anti-social behaviour. The Council's Waste Services Section will initially deal with reported incidents.

8.03 Dogs and other animals belonging to tenants are often the subject of complaints and will be dealt with in accordance with council policy. Complaints of neglect and cruelty will be referred to the police and/or the RSPCA.

Court Proceedings

9.01 In the more serious cases of anti-social behaviour, applications for Possession Orders (leading to eviction), Injunctions or Anti-Social Behaviour Orders have to be made to a county court or a magistrates' court.

9.02 In order for these to be successful evidence must be produced to support the applications and the court must be satisfied that in the circumstances, it is reasonable to grant them. This means producing witnesses and/or witness statements or other forms of evidence.

Confidentiality and Witness Support

10.01 Many people are afraid to come forward to tell us about problems they are having because they are worried that the person causing the problems will know they have complained.

10.02 However, when Housing Services receives a complaint about anti-social behaviour, we **never** tell the person where the complaint has come from without the complainant's permission.

10.03 There may, however, be some cases where those responsible for the behaviour can guess who has made the complaint, especially if they live next door to each other.

10.04 Another reason people are scared is that they think they will have to go to court as a witness. However, the law now allows that 'hearsay' evidence can be accepted in court in these types of cases.

10.05 This means that a complainant or witness can tell somebody else (e.g. an estate officer) what has happened and he or she can give evidence on that person's behalf – the person's name need not be mentioned in court.

10.06 We will support the complainant/witness throughout the legal process by:

- Discussing and planning every stage
- Keeping them informed of the progress of the case
- Keeping close control of the evidence with regular retrieval and checking of diary sheets
- Remain alert to any potential risks to witnesses
- Let other relevant officer, such as caretakers, wardens, know of the witnesses' potential vulnerability, so they can keep a 'look-out'
- Put the witness in touch with other residents who might be available to offer support.

10.07 If Housing Services have to give the complainant or witness's details to other agencies (e.g. the police), these will be treated in confidence and will go no further.

10.08 Witnesses are crucial to tackling anti-social behaviour, whether they are victims themselves or residents who witness anti-social behaviour against the community. We need witnesses to report incidents, to provide evidence and to assist enforcement action taken against perpetrators.

10.09 Gaining the **trust** and **confidence** of witnesses is key to keeping witnesses on board. No more so than at the crucial first stage when a report is made. This is the point at which a victim and witness's expectations are set.

10.10 Witnesses need to and will be supported the whole length of the witness pathway; from report, to trial, remedy and beyond.

Other Agencies

11.01 Thurrock Council is committed to working in partnership with other agencies, such as the police, towards the reduction of crime and disorder. This includes joint initiatives in dealing with anti-social behaviour and the exchange of information through an agreed 'Data Sharing Protocol'.

11.02 Extreme anti-social behaviour is often criminal behaviour (e.g. drug dealing and possessing/using weapons). The police should be contacted immediately in cases where they may have an involvement.

11.03 Police Incident Reports may be used as evidence in court. When police officers attend an incident it is logged and given an incident number. If you are the victim or complainant, the police, if requested, will tell you this number for future reference.

11.04 Housing Services along with Social Services and other agencies have developed a wide-ranging protocol in respect of dealing with 'Vulnerable People', including those facing eviction, to ensure that all appropriate safeguards and actions are taken before this sanction is put in place.

Harassment

12.01 Housing Services will not tolerate any harassment of or by our tenants. Any tenant experiencing harassment should contact their local Area Office and discuss the problem with an estate officer, who will explain the ways in which we can help.

12.02 Wherever possible, the intention should be to deal with the perpetrator of the harassment rather than move the victim.

12.03 The Council also operates a 'zero tolerance policy' to harassment of staff. Any tenant who is abusive (verbally or physically) towards any member of staff would be in breach of their Tenancy Agreement.

12.04 This is regarded as unacceptable behaviour and as a result, the person responsible may be banned for visiting the local office, or any council office. In more serious cases their tenancy could be affected.

Hate Crime

13.01 Hate Crime is action driven by prejudice and an irrational fear of disabled people, lesbians, gay men and bisexual people, trans-gendered people and those from black and ethnic minorities.

13.02 These are most commonly referred to as disability, homophobic, trans-phobic and racist incidents.

13.03 Housing Services, working in close partnership with the police and community, will take swift and positive action to deal with complaints as they arise.

Media and Public Information

14.01 Publicity is an important tool in combating ASB as it can assist in reassuring tenants and the wider community that positive action is being taken through, for example, the publicising of successful resolution of cases.

14.02 This may also act to deter others and assist in the detection of offences and breaches of orders. Publicity can also provide tenants with the information they require to report any breaches of injunctive measures, which may have been served on perpetrators (where the court has not imposed reporting restrictions).

Review

15.01 This document is under constant informal review, but will be reviewed on a formal basis once every 12 months **(Next review: December 2006)**.