

Warwick District Council

Housing and Property Services

Anti-Social Behaviour Policy

v.3 2017



1. **OBJECTIVES**

The Council acknowledges the importance that our tenants place on the ability to live peacefully in their homes. Anti-social behaviour includes a broad range of disruptive behaviour and can cause misery and distress.

The objectives of this policy are:

- To enable Council tenants and their families to live peacefully in their homes.
- To take all possible steps to prevent and tackle behaviour that causes problems for others in order to create a safer environment.
- To take prompt and effective action to investigate all allegations of anti-social behaviour. To ensure effective action is taken against the perpetrators of anti-social behaviour wherever possible. To establish clear guidelines and procedures for staff.
- To support the victims of anti-social behaviour by listening to their concerns, providing good advice and effective remedies wherever possible.
- To work closely with other agencies, to ensure the most effective actions are taken.

2. **DEFINITION**

This policy covers all forms of anti-social behaviour (ASB) within and in the locality of Council owned homes.

This policy applies to any ASB which affects Warwick District Council's services as a Registered Landlord. This includes ASB which is caused by Warwick District Council Tenants, their households or their visitors and ASB which is capable of affecting Warwick District Council tenants, members of their households or Warwick District Council staff in relation to the fulfilment of their duties.

Warwick District Council acknowledges the definition of ASB which is found in Section 2(1)(c) of the Anti-Social Behaviour, Crime and Policing Act 2014: "conduct capable of causing housing-related nuisance or annoyance to any person", as well as anti-social behaviour directed at our staff and contractors working for us.

The Anti-Social Behaviour, Crime and Policing Act 2014 was introduced to streamline the existing tools and powers available to deal with Anti-Social Behaviour, Home Office guidance states:

Anti-social behaviour is a broad term used to describe the day to day incidents of crime, nuisance and disorder; that makes many people's lives a misery. Consequently, the responsibility for dealing with anti-social

behaviour is shared between a number of agencies particularly the Police, Councils and Social Landlords.

A useful categorisation defines anti-social behaviour (ASB) in three different ways:

- **Personal** behaviour that targets a particular individual or specific group or is aimed at having an impact on a particular individual or incident rather than a community at large.
- **Nuisance** individuals or incidents that cause trouble, annoyance, inconvenient offence or suffering to people in the local community in general rather than targeted at an individual.
- **Environmental** incidents and actions which impact on the surroundings including the natural built and social environments. Anti-social behaviour may or may not amount to a criminal act; what is important is establishing the effect the behaviour has on others.

3. POLICY STANDARDS

3.1 Our approach

We will look to prevent anti-social behaviour wherever possible. We will therefore ensure that all tenants are aware that we take reports of anti-social behaviour seriously. We will ensure that our policy and procedures are clear and understood.

We will look to work with other agencies as partners to prevent and take action on reports of anti-social behaviour. It is recognised that anti-social behaviour is not just a housing management problem and that a strategic and holistic approach must be adopted. The Council will work in partnership with Police, other responsible authorities and agencies to reduce crime and disorder, anti-social behaviour and the fear of crime in Warwick District.

We have information sharing agreements and measures in place in order to work together with the Police and other partners.

The Council will adopt a victim led approach and ensure that a prompt and sympathetic manner is adopted when dealing with cases of alleged harassment, nuisance and anti-social behaviour. The council will endeavour to provide the victim(s) and or witnesses with the appropriate level of support and guidance to enable them to co-operate fully with any investigation.

All of the remedies used by the Council will be subject to human rights considerations. There will be a balancing exercise between the rights of the victim and the perpetrator as well as the community in general and an assessment of whether the remedy is proportionate to the outcome sought.

We will where possible and appropriate, encourage reporters of anti-social behaviour to approach the perpetrator of nuisance first, before we intervene. We recognise that our intervention can exacerbate low level incidents of anti-social behaviour although we recognise that in some situations our intervention is required at the outset.

Warwick District Council considers that the following are examples of activities do NOT normally constitute ASB that we can take action on:

Day to day activities within the home at reasonable times of the day, such as moving furniture, opening and closing doors, talking, smoking, footfall, babies/children crying

Use of domestic appliances at reasonable times of the day, washing machines, dish washers, boilers, flushing toilets, vacuum cleaners, using gardening equipment.

Legally parked cars, shared access ways being left open/closed, children playing in a garden or public space.

We recognise that many incidents of anti-social behaviour can involve vulnerable people. Some perpetrators and/or victims will have physical and/or mental health conditions or social care needs. We will treat all with respect and work with agencies who can assist in treating underlying problems to resolve matters in the most effective way.

Where the alleged perpetrator is a child the Council will consider any safeguarding issues and where appropriate make a referral to Social Services to ask them to make an assessment.

3.2 Witness assistance

Warwick District Council will seek to maintain the confidentiality of a complainant's identity as far as possible. We will endeavour to support victims and witnesses of ASB. Examples of support include target-hardening measures, assistance throughout a court hearing, regular contact with a named officer and referrals to appropriate agencies.

Warwick District Council will not routinely offer alternative accommodation to a victim of ASB, we will normally try to resolve the matter and moving the victim is usually avoided.

3.3 Intervention

When Warwick District Council initially receives a report of ASB it will log the incident and respond initially to the complainant within 5 working days.

Warwick District Council will give the complainant advice on how to speak to an alleged perpetrator in a constructive manner or will offer to assist

with a restorative meeting or mediation process between parties. This may not always be appropriate if either party is vulnerable or potentially aggressive.

All cases reported to us will be subject to a risk assessment. High risk cases will be reported to a Case Management Meeting involving all agencies including the Police, Social Services, Youth Offending Team, Probation etc. This will look to manage any risks in an appropriate manner.

Warwick District Council will consider the use of other non-legal interventions for example: warning letters, trespass letters, acceptable behaviour contracts, undertakings in conjunction with the police and partner agencies, mediation, providing support and advice to an alleged perpetrator.

Warwick District Council will consider the use of legal powers available to them where required, including injunctions, tenancy demotions, closure orders and possession proceedings (including mandatory possession powers). We will aim to ensure that all decisions made will be fair and proportionate based on the facts available throughout the course of legal proceedings, where these are initiated.

All open cases of anti-social behaviour will be regularly reviewed by our Officers with victims updated at each stage of the case. Before closing a case the parties to the case will be advised and the complainant sent a satisfaction form.

Each month the manager will audit all open cases to review that effective actions have been taken.

3.4 Aggravated incidents of harassment

Harassment can be extremely upsetting for anyone experiencing this behaviour and we will treat any incidents seriously.

Harassment based upon someone's race, religion, disability, sexuality will be considered as aggravated incidents that can cause further distress. We will make clear that any behaviour directed against a person because of their race, religion, disability, sexuality will not be tolerated and we will take immediate steps to support the victim and consider what actions can be taken to stop any harassment.

3.5 Working with others

Warwick District Council are committed to working with our partners to deal with anti-social behaviour. We believe that by working with others we are better able to find to resolve issues that do not just affect one agency.

We have therefore developed relationships with the Police, Social Services, Health services, other social landlords, as well as support and advice agencies.

We work within a number of multi-agency arrangements and are committed to working well within these structures. These include MARAC (multi agency risk assessment conference), monthly anti-social behaviour meetings as well as Case Management Meetings to discuss high risk cases.

3.6 Community Trigger

The Anti-social Behaviour, Crime and Policing Act 2014 introduced the Community Trigger. This is designed to give victims the ability to demand action, starting with a review of the case, where a locally set threshold is met. Warwick District Council will publicise details of this mechanism and work with other agencies where the trigger is met, to ensure agencies work together to find a solution.

3.7 Domestic Abuse/ Violence:

Effective liaison with the multi-agency risk assessment conference ensures that victims are supported in accessing appropriate remedies; measures available to deal with associated anti-social behaviour and prevent impact on the wider community are considered only after consultation with MARAC. (Please see our Domestic Abuse and Violence Policy.)

3.8 Publicity

We will promote our policy and practice widely, promoting good standards of behaviour across our estates.

This Policy and a summary of our procedures will be published on our web site. Printed copies will be available at public access points.

Successful resolution of cases will be publicised and press releases will be made in specific cases of enforcement action, where this is deemed appropriate. The identity of those individuals involved both victims (with their agreement) and perpetrators may be made public by the Council.

3.9 Protection of Staff

The Council keeps a list of potentially violent members of the public. The Council will ensure that the list, designed to make staff aware of known perpetrators of violence, is regularly updated and distributed to

appropriate members of staff likely to have contact with members of the public.

All members of staff dealing with anti-social behaviour will receive training for lone working including where lone working is not appropriate and dealing with people in stressful and difficult situations where conflict may arise.

Appropriate legal action will be taken against those individuals who threaten, abuse or harm staff or our contractors. This may include the enforcement of the Council's conditions of tenancy via possession proceedings, the seeking of injunctions to restrain individuals or supporting criminal proceedings where appropriate.

4. EQUALITY AND DIVERSITY

We work in accordance with the Equality Act 2010 to assess whether alleged perpetrators are vulnerable so that we can identify the most appropriate support to help them change and modify their behaviour.

5. MONITORING AND REVIEW

This Policy will be reviewed every 3 years or earlier if there are significant changes required in the light of best practice and any changes to legislation and Government guidance.

6. ASSOCIATED DOCUMENTS

Housing Act 1985

Housing Act 1996

Housing Act 2004

Crime and Disorder Act 1998

Anti-social Behaviour Act 2003

Anti-social Behaviour Crime and Policing Act 2014

Anti-social Behaviour Crime and Policing Act 2014 Statutory guidance for frontline professionals

Care Act 2014

Warwick District Council Housing and Homelessness Strategies