



NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

ANTI SOCIAL BEHAVIOUR POLICY

Area : Stronger, Safer Communities, Environmental Protection and Housing Services

Department : Community Safety, Environmental Health, Street Action and Housing Management

Procedure Ref: - **Owners:** Team Managers of Housing Management, Community Safety and Environmental Protection

Date approved:

Effective date: April 2017

Please state what policy & documents (if any) this procedure is linked to:

ASB Procedure

[RESPECT ASB Charter for Housing](#)

Tenancy Agreement

Complaints Policy

Community Trigger

Witness Promise

Enforcement Policy

Version	Date	Details of amendment	Creator/amender	Approved by	Next review due
1	May 2007	N/A	Andrew Wallace	Amanda Harper	2010/2011
2	January 2013		Andrew Wallace	Amanda Harper	May 2015 (or earlier dependent upon new Enforcement powers)
3	April 2017	Inclusion of new Enforcement Powers Inclusion of categorisation of ASB	Andrew Wallace	Amanda Harper	2019

		<p>across the Council</p> <p>Inclusion of classifications of ASB</p> <p>Expectations around what is ASB added</p>			
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Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

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ANTI-SOCIAL BEHAVIOUR POLICY

1. Statement of Purpose and Definition

North West Leicestershire District Council (NWLDC) recognises the importance that residents place on the ability to live peacefully in their homes. Anti-Social Behaviour (ASB) and neighbour nuisance include a broad range of disruptive behaviour. We recognise that ASB has a detrimental effect on the quality of life enjoyed by our residents. We do not believe our residents should have to live with ASB.

Unless otherwise stated within the policy, North West Leicestershire District Council use the definition of ASB as described in the Anti-Social Behaviour, Crime and Policing Act 2014 as:

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

(b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or

(c) conduct capable of causing housing-related nuisance or annoyance to any person

The Policy is being publicised in plain language and made available to residents upon request. This document can be obtained in large print or translated into other languages, if required. It is designed to be a framework as to how ASB can be reported to, and dealt with by, North West Leicestershire District Council.

The Policy refers to the Safer North West Partnership and Joint Action Group (JAG) throughout this document. The Safer North West Partnership brings together a number of agencies with a shared commitment to reducing crime and disorder in the district. The Partnership is made up of a number of organisations including;

- North West Leicestershire District Council
- Leicestershire County Council
- Office of the Police and Crime Commissioner
- Leicestershire Police
- National Probation Service
- Local Community Rehabilitation Company
- West Leicestershire Clinical Commissioning Group
- Leicestershire Fire and Rescue service

At a district level ASB is managed through a Multi-Agency JAG (All high risk cases are monitored carefully and emerging trends are identified within the group to ensure appropriate action is taken when and where needed.

This Policy is compliant with the Housing Act 1996 part 8 Section 218A.

2. Introduction

We are committed to improving the quality of life for everyone living and working within our communities and in providing a safe and secure environment to enable communities to live together and free from the negative impact of ASB.

This policy has been developed in line with the Anti-Social Behaviour Act 2003, the Crime and Disorder Act 1998 as amended and the Anti-Social Behaviour, Crime and Policing Act 2014 to ensure that ASB is dealt with consistently, robustly and that justified action will be taken where appropriate.

Reports of ASB will be investigated with relevant outside agencies and the action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged in. Intervention action will be selected based on what is most likely to produce an effective solution. Where the council deem it appropriate, and if the nature of the ASB is serious or where it causes immediate risk of harm, rapid enforcement action will be considered.

Where ASB occurs, and it is criminal in nature, we will refer the complainant to report this to the Police. The Police will then manage the case, working in conjunction with North West Leicestershire District Council staff to jointly decide on whether civil proceedings will be brought against the perpetrator(s).

We will work with and share information with partners (in accordance with our policies, procedures and data sharing agreements) to reach the best solution and to learn from each other. This includes internal departments as well as those that sit within the Safer North West Partnership and those that attend the District wide Joint Action Group.

NWLDC are also committed to the [Respect – ASB Charter for Housing](#) which aims to be outcome-focused to improve the quality of people's lives who suffer from ASB. The Charter consists of seven core commitments.

- demonstrating leadership and strategic commitment
- providing an accessible and accountable service
- taking swift action to protect communities
- adopting a supportive approach to working with victims and witnesses
- encouraging individual and community responsibility
- having a clear focus on prevention and early intervention
- ensuring that a value for money approach is embedded in our service

3. ASB classification and Service Standards

Initial reports of ASB will be recorded under one of the categories listed in [Appendix A](#)

Not every allegation reported to the council will be categorised as being ASB; some types are considered to be everyday living noises or lifestyle differences rather than ASB and therefore they may not be investigated under the terms of this policy. The complainant will be notified at the earliest opportunity available that an investigation will be opened and they should be directed to the website where a copy of this Policy will be published.

Although people can expect to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance.

We will not commit to strategies which raise expectations but are not enforceable, for example “No ball game” signs, but will actively seek from the complainant what outcome they are seeking.

4. Reporting ASB

We will make available a wide range of methods of contact for reporting ASB. You will have one nominated lead caseworker for your complaint, who will keep you updated regarding progress with our investigations

5. Our commitment to managing ASB complaints

All reports of ASB will be logged on our system and passed to the most appropriate department for investigation. You will be notified at your initial contact, or at the earliest possible time (normally within 3 working days), whether the matter will be investigated in line with our Policy.

ASB complaints will be processed via a case management system which can be accessed by NWLDC Housing and Community Safety staff as well as the Police.

NWLDC staff will adhere to the timelines stated within the classifications on Appendix A. Should the timeframe for investigation and/or enforcement be extended, the reasons and indicative timeframe will be given to the complainant.

6. Supporting Vulnerability

We recognise the importance of supporting vulnerable members of our communities, who may be more at risk of becoming involved in ASB both as a victim or perpetrator.

A person may be considered vulnerable for many reasons, including but not limited to; age, alcohol or drug dependencies, disability (as defined by the Equalities Act 2010) or mental health issues.

When a complaint of ASB is received, we will make an assessment of vulnerability on every case and this will be included as part of the Risk Assessment Matrix (RAM). This RAM is then shared with partnering agencies to determine the most appropriate course of action and/or protection.

When a complainant, witness or perpetrator of ASB is identified as being vulnerable, a referral may be made to relevant support services. We will work collaboratively with the identified carers and support agencies.

Where a complaint is made against someone who we know or suspect is vulnerable, we will make every effort to assist them in engaging with support services. However it will be made clear that failure to engage with such services and the continuation of the ASB may lead to formal action being taken against them.

We will not accept vulnerability as a reason for a perpetrator being allowed to continue to behave badly.

7. Safeguarding

Safeguarding is everyone's business and we all have a part to play in protecting the most vulnerable members of our community.

North West Leicestershire District Council actively participates in multi-agency arrangements to safeguard children, young people and adults.

The law requires us to ensure that our functions are discharged having regard to the need to safeguard and promote the welfare of children. Provisions within the Care Act 2014 mean that adult safeguarding has also been placed on a statutory footing.

We recognise that when dealing with ASB we may come into contact with children and adults for who there are safeguarding concerns. All employees receive safeguarding training and have access to information to enable them to respond appropriately.

It is not for the investigating officer to make a decision as to whether there are safeguarding concerns, but it is their duty to report anything which they believe is a cause for concern.

8. Action we can take

The majority of complaints of ASB do not require legal action as a means of resolution. We will, in the first instance, assess the type of ASB, the risk of harm to the victim and any vulnerability to identify how we will deal with the complaint. Early

intervention through informal approaches will be considered in the first instance before exploring the more formal enforcement tools:

Early and Informal Interventions

As a District and County we are committed to the tiered approach when dealing with ASB. Early intervention through an informal approach can be successful in stopping ASB committed by most perpetrators. These methods should be considered and exhausted first to attempt to stop behaviour before it escalates.

Verbal Warnings / Written Warnings

Warnings are issued when there is evidence of ASB occurring or likely to occur. They make it clear to the perpetrator/parent/guardian what behaviour is causing the issue, the effect this is having on the victim or the community and the consequence of not adhering to the warning

Community Resolution

This is where a resolution is found for a less serious issue of ASB where an informal agreement is reached between the parties involved as opposed to progression through legal action.

Mediation

Mediation can be an effective tool, solving the issues by bringing all parties together to talk through their concerns. Our Officers are able to offer mediation on a confidential, impartial basis that can solve many incidences of misunderstanding or unintentional ASB. An example of when mediation would be used is when two neighbours fall out over a difference, such as the position of a boundary fence.

Restorative Justice (RJ)

RJ gives a victim of ASB an opportunity to communicate with the perpetrator in a controlled environment, to tell them how their behaviour is impacting on them, giving them a voice. It holds the perpetrator to account for what they have done.

Acceptable Behaviour Contracts (ABC)/Parenting Agreement (PA)

These are voluntary written agreements between an individual and North West Leicestershire District Council. The ABC is entered into in conjunction with other agencies including the Police and Youth Offending Service. They contain pledges to behave in a certain manner or to stop doing certain things. An ABC or PA is not legally enforceable but if they are broken, they can be used to form part of the evidence required to proceed to another level of action, such as court.

Support and Counselling

In many cases there are underlying causes of ASB. Substance misuse or alcohol dependency can drive ASB. We will refer where possible to the appropriate agencies that can offer support and counselling depending on the circumstances of the person concerned in the ASB, including referrals to Supporting Leicestershire Families and our Tenancy Support team within Housing Services.

Surveillance

As part of our response to dealing with ASB, we reserve the right to work with partner agencies to carry out both covert and overt surveillance. Surveillance may be visual or audio. Any surveillance will be appropriately authorised, proportionate and justified. This will include where necessary the monitoring of CCTV. At times we will be required to disclose our CCTV images to a third party such as the police where there is a need for the prevention and detection of crime and for the apprehension of offenders.

In addition, any surveillance undertaken with regards to the investigation will be dealt with in accordance with all relevant legislation.

9. Legal Action

If perpetrators are unwilling to change their behaviour following attempts along the informal intervention route then there are some formal tools that can be used by NWLDC:

Civil Injunction

The Civil Injunction is an order made by the Court to stop or prevent individuals engaging in ASB. It can resolve any issues before they escalate and can help the perpetrator to address the underlying cause of the ASB. An injunction can be obtained for people causing ASB from the age of 10 years. If the terms of an injunction are not adhered to, it can result in a fine or imprisonment for up to two years for anyone over the age of 18. For under 18's it could result in a supervision order or detention up to three months. In addition to this, the breach of an injunction could mean that a tenant faces a mandatory possession order being granted by the Court.

Criminal Behaviour Order (CBO)

The Criminal Behaviour Order can be issued in a criminal court against a person from the age of 10 years upwards. It is used to tackle the most persistent anti-social individuals who are engaged in criminal activity, and have been convicted of an offence. Breaching a CBO is a criminal offence and for over 18's can result in up to five years imprisonment, a fine or both. Under 18's could face a two year detention order, with part of that detention served in custody.

Closure Orders

This can be used to close a property when it is being used or likely to be used to commit serious nuisance or disorder. The initial Closure Notice is valid for either 24 or 48 hour period followed by the application to a Court for a Closure Order. This is a fast and flexible power that can be used to protect victims and communities by quickly closing premises where ASB is prevalent.

Community Protection Notices

The Community Protection Notice is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life, such as graffiti, rubbish or noise by targeting those responsible.

Public Space Protection Orders

These orders impose conditions which may include multiple restrictions and requirements in an area such as parks, alleyways or communal areas, where ASB is being detrimental to the local community. They are designed to ensure that the majority of people can enjoy public spaces and feel safe and the conditions could be around alcohol, dogs or noise for example.

Demotion Orders

Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants and can be a precursor to taking possession of the property. These orders remove a number of rights including the right to buy and the right to exchange. Demoted tenancies last for a year and may be extended if notice to seek possession of the property is served during this period. The orders are a serious warning to tenants that if the negative behaviour continues swift action can be taken to seek possession of their home.

Possession Proceedings

This is court action that can lead to Council tenants being evicted from their homes. Before this stage is reached the tenants involved will have had several warnings to stop their behaviour. Evicting someone, who may have family and children, from their home, is a very serious consequence. The Council would have to prove to the court that on the 'balance of probabilities' the tenants have indeed broken the terms of their tenancy agreement and that it is reasonable for the court to evict the tenant. The ASB Crime and Policing Act 2014, has introduced a new absolute ground for possession for secure tenancies where ASB or criminality has already been proven by another court. This means that the Council will no longer need to prove that it is reasonable to grant possession and the court must grant possession, providing set procedures have been followed.

10. Protection of Staff and Contractors

We will not, under any circumstance, tolerate abusive, threatening or violent behaviour towards our staff or contractors, and will always take swift and robust action to protect our staff. All acts of aggression, harassment or intimidation towards staff members will not be tolerated and will be referred to the police if appropriate.

We will ensure a prompt and robust response takes place. Where there is a direct threat of harm or violence towards the complainant we may commence legal action.

A potentially violent person's register is kept centrally by the Health and Safety Officer at the Council and all reports of this nature will be recorded. NWLDC have a responsibility to ensure they place sufficient warning markers on their systems to ensure staff safety and any recommended measures are put in place.

11. Performance Monitoring

We will closely monitor the quality of the ASB service by:

- Setting challenging performance targets for staff to achieve
- Completing customer satisfaction surveys
- Ensuring managers carry out audits and reviews on a sample of cases

We will regularly report statistical information about ASB both internally and externally including benchmarking to link with other similar organisations. This gives us comparison for best practice, identifying trends and to inform service delivery.

Information will also be made available upon request to our partnering agencies

12. Closing Cases

We will normally only close cases when the situation has been resolved and/or the complainant is happy for us to do so. However, in some circumstances it may be necessary to close the case without the consent of the complainant.

This might happen when we are satisfied that we have done everything we can, that is reasonable and proportionate to resolve the complaint or the complainant has failed to respond to requests for contact. We may also close the case if it is considered that the allegations made are false or malicious or if the complainant refuses to work with the investigating officer to resolve the alleged ASB.

We will not assume that a situation has improved if we have not heard from the complainant and will try and make contact with them before closing their case. If there is no response, we will close the case and record this as resolved.

To avoid cases being open indefinitely, we have a robust process of review, with the lead officer dealing with each case on its merit. Where the case has been open for 12 weeks it will be reviewed by the team leader, referring to the Team Manager where required. All high risk cases will be referred to the JAG who will review all actions in these cases and task the investigating officer if further recommendations are required.

13. Community Trigger

The community trigger introduces a right for victims, or victims' representatives, to ask local agencies to review how they have responded to previous ASB complaints and consider what further action might be taken where the behaviour persists.

Further information on what the Community Trigger is designed to achieve and the threshold for activation, can be found at www.nwleics.gov.uk/asb.

You may activate a trigger by completing an online form at www.nwleics.gov.uk/pages/asb_community_trigger , or by phoning the Community Safety Officer (ASB) on 01530 454545.

14. Publicising our approach to ASB

Our approach to ASB will be publicised to residents, potential residents and staff in a number of ways, including:

- Leaflets and/or guidance documents
- The NWLDC website
- Policy Briefings and Training
- At all Council tenancy sign ups
- Tenants' Handbook
- The Tenancy Agreement

15. Development and Responsibility

Our ASB Policy has been developed through consultation with the public, staff and other stakeholders, and has been approved by elected members.

Staff will be trained to deliver this policy and are responsible for adhering to its terms and suggesting improvements with its administration.

This document will be reviewed every two years, however it will be updated at any time if there is a material change in a process or legislation.

APPENDIX A – ASB CLASSIFICATION AND SERVICE STANDARDS

All action taken by an Officer must be reasonable and proportionate the behaviour reported and experienced by the victim of the ASB. There will be occasions where the ASB reported will be classified within multiple groups. In this instance, the action will be determined on the highest grouping.

	Type of ASB	Interventions available ¹	Service Standards
1	<ul style="list-style-type: none"> • Domestic Noise • Vandalism and damage to property • Misuse of Communal areas / Public Space loitering 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies as appropriate. • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Community Resolution • Restorative Justice / Mediation • Civil Injunction • Community Protection Notice • Public Space Protection Order • Fixed Penalty Notice • Recharge • Noise Abatement Notice/Prosecution 	<p>First Contact with the investigating officer or advocate within three working days and agree action plan. Action within 10 working days.</p>
2	<ul style="list-style-type: none"> • Verbal abuse / Harassment / Intimidation • Drug smells / substance misuse • Alcohol related ASB • Prostitution / Sexual Acts • Criminal Behaviour / Crime • Noise including other general ASB • Domestic Noise • Bullying/Cyber Bullying 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies as appropriate • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Community Resolution • Restorative Justice / Mediation • Civil Injunction • Criminal Behaviour Order • Closure Order • Notice of Seeking Possession* • Possession* • Demotion of Tenancy* • Community Protection Notice • Public Space Protection Order • Noise Abatement notice/prosecution • Community Protection Notice • Fixed Penalty Notice • Injunction • Local Resolution • Mediation 	<p>First Contact with the investigating officer or advocate within three working days and agree an action plan within five working days of this contact.</p> <p>N.B The Housing department will investigate all domestic noise cases making use of the provisions of the ASB, Crime and Policing Act 2014 as a means of handling domestic noise incidents, in addition to the powers with the Housing Act 1985. Where there is a proven statutory nuisance we will work with the Environmental Health Team to take action under the Environmental Protection Act 1990.</p>
3	<ul style="list-style-type: none"> • Hate related incidents (based on Age, Race, Sexual Orientation, Gender, Disability etc.) • Domestic Abuse • Physical Violence (other than Domestic Abuse) • Drug production / supply • Threatening Behaviour 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies including Police, Environmental Health, Social Services, Youth Offending Service, Probation Services, Education Welfare, NHS, Mental Health Team • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Restorative Justice / Mediation • Civil Injunction • Criminal Behaviour Order • Closure Order • Notice of Seeking Possession* • Possession* • Demotion of Tenancy* • Domestic Violence Protection Order 	<p>First Contact with the investigating officer or advocate within three working days and agree an action plan within 24 hrs of this contact</p>
Outside of ASB Policy	<ul style="list-style-type: none"> • Animal Nuisance • Graffiti (non-offensive/non directed/non abusive) • Car repairs / Vehicle nuisance • Litter / Rubbish / Fly tipping • Garden Nuisance 	<p>The matters listed in this section will be dealt with outside of this Policy and logged as an Estate complaint.</p> <p>If the alleged perpetrator is a Council tenant, the Housing department will discuss the terms of the tenancy with the alleged perpetrator</p> <p>Should the matters escalate or change in nature, we will look to re-categorise the behaviour as anti social.</p>	<p>First contact with the investigating officer or advocate within 3 working days with alleged perpetrator. Action plan to remedy behaviour within 10 working days</p>

¹ Interventions marked with an asterisk (*) are only available to the Housing Department