

South Derbyshire District Council

Housing Services Anti-Social Behaviour Policy

1.0 Principles and Objectives of the Allocations Policy

1.1 *Principles*

The Council's Housing Services Anti-Social Behaviour Policy is influenced by the following principles that will underpin the our approach to dealing with anti-social behaviour.

Consistency - the Council will apply the Anti-Social Behaviour Policy in a fair and consistent manner across the District, so that similar types of anti-social behaviour are treated in a similar manner to achieve similar outcomes.

Openness - the Council will provide explanatory leaflets on the Policy and information on the operation of the Policy, whilst maintaining individual confidentiality.

Legality - the Council will ensure that our Housing Services Anti-Social Behaviour Policy reflects the legal framework and best practice.

Responsiveness - the Council seeks to have a policy which is capable of responding to a wide range of complex needs and circumstances.

Equal Opportunities - the Council will act in a manner to encourage equal opportunities and will seek to ensure that information on the Housing Services Anti-Social Behaviour Policy is accessible to all, and will implement the Anti-Social Behaviour Policy in a manner consistent with equal opportunities.

1.2. *Objectives*

1.2.1. To address and deal with instances of Anti-Social Behaviour, to protect the right of the community to peaceful enjoyment of their homes.

1.2.2 To assess complaints of anti-social behaviour in an objective, consistent and fair manner, complying with relevant legislation and best practice.

1.2.3 To sustain and promote local communities as far as possible.

- 1.2.4 To place emphasis on tackling anti-social behaviour and modifying behaviour rather than moving or displacing anti social behaviour by eviction and/or re-housing.
- 1.2.5 To monitor performance and respond to changing patterns of behaviour as they may arise, by reviewing the policy on a regular basis.
- 1.2.6 To inform the Council's strategic planning process, particularly in relation to Section 17 of the Crime and Disorder Act 1998.
- 1.2.7 To assist those wishing to make a complaint of anti-social behaviour, in a straightforward way without the use of jargon.
- 1.2.8 To support and inform other relevant Council strategies and strategic duties, for example, the South Derbyshire Crime and Disorder Partnership Anti-Social Behaviour Strategy, the Homelessness Strategy, the Allocations Policy, the Repairs Policy, the Rechargeable Repairs Policy and the Tenancy Agreement.
- 1.2.9 To work in partnership with relevant organisations to tackle Anti-Social Behaviour and support witnesses.

2.0 Definitions of Anti-Social Behaviour

2.1 Anti-Social behaviour will cover a wide range of activities, from minor neighbour disputes, to serious criminal behaviour. There is no single complete definition, however, the Crime and Disorder Act 1998, Section 1(1) defines acting in an anti-social manner as 'a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the complainant'. The following list (not exhaustive) gives examples of what the Council considers to be anti-social behaviour;

- Excessive noise (especially late at night)
- Intimidation / harassment
- Rowdy, unruly or threatening behaviour
- Vandalism
- Racial or Sexual Harassment
- Criminal Activity
- Dumping of rubbish, including litter
- Statutory nuisance (such as fume emissions)
- Nuisance caused by tenants, children of tenants and/or visitors
- Nuisance caused by animals

2.2 Anti-Social Behaviour can be caused by anyone, and includes tenants, their household and visitors, as well as other residents and non-residents.

- 2.3 A racist incident is defined by the Macpherson Inquiry into the death of Stephen Lawrence as;

'A racist incident is any incident which is perceived to be racist by the victim or any other person'

- 2.4 Racial Harassment is defined as a deliberate act or acts of violence or threat of violence (verbal or physical) including attacks on property as well as person, suffered by individuals or groups because of their colour, race, ethnic or national origin when the victim or anyone else involved believes that the perpetrator was acting on racial grounds. The act or acts is/are carried out in such a manner where the victim or a permanent member of his or her household or a person(s) visiting the property experiences either;

- Interference with their peace and comfort, or
- Nuisance or annoyance, or
- Distress and fear for their safety.

3.0 Categorisation of Anti-Social Behaviour

- 3.1 To ensure that the Council can respond appropriately to differing types of anti-social behaviour, complaints will be classified upon receipt as:

Class A - Very Serious

Class B - Serious

Class C - Minor

- 3.2 **Class A** will include harassment on the grounds of race, sexuality or disability, as well as any other harassment, actual or threatened violence or any other serious criminal activity. **Class A** behaviour will be responded to within 24 hours. This may mean that the initial action is to remove the alleged victim to a place of safety.

- 3.3 **Class B** will include serious breaches of Conditions of Tenancy, heated verbal arguments and serious disputes, allegations of petty criminal activity, threats or threatening behaviour, intimidating behaviour from groups or individuals, and any complaint that has the potential for a rapid progression to **Class A**. **Class B** behaviour will be responded to within 5 working days of receipt of the complaint.

3.4 Class C will include most neighbour disputes, minor breaches of Conditions of Tenancy, domestic every day noises such as from washing machines, vacuums etc, parking and the condition of a tenant's property. Class C behaviour will be responded to within 10 working days of receipt of the complaint.

4.0 Dealing with a Complaint

4.1 Complaints of anti-social behaviour can be received in any form. This will include telephone, visit to the office, letter, home visit, contact on the estate, e-mail, fax and any other form of contact.

4.2 Complaints will be taken from any individual, group or organisation (e.g. residents, the Police). A direct complaint from the alleged victim is not necessary, however a discussion with the alleged victim will normally be held before any contact is made with the alleged perpetrator.

4.3 Complaints of anti social behaviour will normally be dealt with by a Tenant Liaison Officer (TLO) in the first instance. More serious complaints are likely to require the involvement of the Advice & Liaison Team Leader, Housing Operations Manager and/or the Head of Housing.

4.4 Complaints will normally be dealt with by taking action at the lowest appropriate level. Only in the most extreme cases would legal action be considered before a warning visit/interview was carried out. In all cases, Housing Services undertakes to keep complainants informed on the progress of the complaint and reasons for action taken or for closing of the case. The stages of dealing with a complaint are detailed below:

- i) Initial receipt and categorisation. - the details of the complaint will be logged and an initial categorisation made.
- ii) Initial action - depending on the severity of the case this may include;
 - A visit to complainant to obtain further details
 - Contact with local police to gain further information
 - A letter to the tenant complained about, outlining the complaint received and pointing out conditions of tenancy as appropriate
 - A visit to the tenant complained about to advise of complaint, discuss and gather further detail etc.
 - Visits to neighbours for further information
 - Involvement of the Crime and Disorder Partnership
 - Involvement of other organisations (such as Social Services)

- iii) After the initial action the Tenant Liaison Officer will note what has been done, ensure the complainant is notified and note the timescale when the success/failure of the action should be checked.
- iv) A check will then be made by the TLO, within the agreed timescale, on the outcome of action where this is appropriate.
- v) Assessment - after the initial investigation and check the Tenant Liaison Officer will assess the complaint. If the complaint is resolved, or if the complaint is not found to be actionable further the case will be closed and the complainant advised of this.
- vi) If the complaint is not resolved the Tenant Liaison Officer will draw up an action plan including details of possible action, target timescales and details of contacts to be made with the complainant and the alleged perpetrator, for authorisation by the Advice & Liaison Team Leader. Where further evidence may be required from the complainant in order to pursue the complaint a standard Recording form will be provided to the complainant together with a guidance note on how to complete it. Examples of further action will include:
 - Input from other agencies/departments
 - Multi Agency Case Conference
 - Use of mediation services
 - Use of monitoring/surveillance equipment
 - Acceptable Behaviour Contracts (ABC's)
- vii) In some cases the officer may conclude that no further action, or only warning action is appropriate. If the complainant is not satisfied with this conclusion a complaint can be made using the Council's complaints procedure. If after a warning letter/visit in relation to a Class B or Class C no further complaint is received for a period of 28 days the case will be regarded as closed, and the complainant advised accordingly.
- viii) Where additional evidence is received from a complainant and or witness, a receipt for this evidence will be given on all occasions.
- ix) It is envisaged that the majority of complaints will be dealt with without recourse to legal action. However where a complaint is assessed as justified and is not resolved without legal action all forms of legal action available to the Council and it's Partner agencies / organisations, such as the Police,

and Social Services, will be considered. These actions may include;

- Obtaining of an injunction
- Application for an Anti Social Behaviour Order (ASBO) under the Crime & Disorder Act 1998
- Individual Support Order
- Parenting Order
- Child Safety Order
- Application for the Demotion of a tenancy
- Proceedings under the Protection from Harassment Act 1997
- Application for eviction
- Fixed Penalty Notices

5 Re-housing Requests / Homelessness

- 5.1 Re-housing of alleged victims of Anti-Social Behaviour should only be undertaken in rare circumstances, as being the victim of Anti-Social behaviour or other crime is not a ground for re-housing in itself.
- 5.2 On the grounds of racial harassment and other violence, the Council seeks to support tenants to enable them to remain in their own homes. However, it is accepted that there will be instances where it will be necessary to facilitate re-housing away from the source of harassment to allow the victim(s) to rebuild their life. All transfers on this basis must be authorised by the Head of Housing.
- 5.3 Where an alleged victim presents to the Council as homeless on the grounds that they have been the victim of Anti-Social Behaviour, the allegations will be considered and a decision made in line with the relevant Homelessness legislation.

6.0 Liaison with other Services/Agencies

- 6.1 Liaison with other agencies is a critical element of the effective management of Anti-Social Behaviour. The Council has a well-developed, effective network of multi agency Action Teams via the Crime and Disorder Partnership (CDP). Housing Services is a key member of the Anti-Social Behaviour Action Team and Anti-Social Behaviour Problem solving group and a committed member of the Partnership as a whole.
- 6.2 Where anti social behaviour appears to arise as a result of an individual's addiction to drugs, alcohol or other substance the Council will seek to involve appropriate agencies and every effort will be made to resolve the issue before legal remedies are considered.

6.3 Where an individual's anti social behaviour relates to mental health issues the Council will liaise closely with Health and Social Services. If the behaviour is not addressed the Council will work with others to identify other avenues, such as more appropriate accommodation, before legal remedies are considered.

6.4 Where a person responsible for committing acts of anti social behaviour appears to be vulnerable for any other reason the Council will liaise with any appropriate body in order to resolve the issue before legal remedies are considered.

7.0 Witness Support/Protection

7.1 The Council recognises that victims and / or witnesses of anti social behaviour may be unwilling to come forward, or feel unable to carry through their complaint for fear of reprisal or concern that either no action will be taken or that they will not be protected.

7.2 It is recognised that often, effective action cannot be sustained without the support and co-operation of individuals or groups within the community. However, where it is appropriate, the Council will consider collating and presenting evidence in Court on behalf of a witness.

7.3 The Council will engage the assistance of relevant agencies to support victims and/or witnesses, and Housing Services is committed to working with the CDP to develop effective Witness Protection / Support actions as part of it's Anti-Social Behaviour Strategy.

8.0 Training

8.1 In order to achieve the roles set out for them, staff dealing with complaints of anti social behaviour will receive the appropriate training. This training may include interview skills, injunctions and other legal remedies.

8.2 Elected Members will receive the appropriate training on this policy and wider legislation relating to anti social behaviour.

9.0 Confidentiality

9.1 All complaints will be treated in confidence. The Complainant will be advised that information they provide may be shared with other agencies, such as the Police, Social Services and the Crime and Disorder Partnership if it is assessed that their assistance is required in order to resolve the issue.

10.0 Record Keeping and Monitoring

10.1 All complaints of Anti-Social Behaviour will be recorded and progressed via standard pro-formas and stationery. This will ensure a broad consistency of approach as well as facilitating legal action where this is deemed to be appropriate.

10.2 All complaints of Anti-Social Behaviour will be classified by type of incident as well as Class, to facilitate the monitoring of such behaviour as required by Section 17 of the Crime and Disorder Act 1998. This information will be shared with the Crime and Disorder Partnership to inform future strategies to deal with Anti-Social Behaviour.

10.3 Assessments of the type of Anti-Social Behaviour in specific geographical areas will be taken into consideration in the programming and specification of Planned Improvement Works as well as in the specification of responsive repairs.

10.4 Monitoring of complaints of Anti-Social Behaviour will permit the Council to measure the success of the actions taken and thereby, the success of this policy. Therefore, as part of the Housing Services quarterly Performance Report to Housing and Community Services Committee, the following criteria will be reported upon;

- Number and type of complaints received
- Number of complaints 'open' at the end of each quarter
- Number and type of legal remedies sought
- Outcomes of any legal remedies sought