



## ANTI-SOCIAL BEHAVIOUR POLICY

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## 1 Purpose

- 1.1 The purpose of this policy is to explain Arun District Council's objectives and guidelines for dealing with anti-social behaviour affecting or caused by its tenants and leaseholders.
- 1.2 The Anti-Social Behaviour Act 2003 requires all social landlords to have an anti-social behaviour policy and clear procedures for dealing with occurrences of anti-social behaviour when they are reported. It further requires that these documents are regularly reviewed. This document updates the Council's current policy, which dates from 2012 and will be supported by revised operational procedures.
- 1.3 This policy also takes into consideration the changes brought about by the Anti-Social Behaviour, Crime and Police Act 2014. The Act contains a variety of measures for tackling ASB, which are intended to provide better protection for communities, act as a deterrent to perpetrators and give victims a say in the way their complaints are dealt with.

The Regulatory Framework for Social Housing in England from April 2012 requires that registered providers publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties. It further requires that in their work to prevent and address ASB, registered providers should demonstrate:

- that tenants are made aware of their responsibilities and rights in relation to ASB;
  - strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies;
  - a strong focus exists on preventative measures tailored towards the needs of tenants and their families;
  - prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available;
  - all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not;
  - provision of support to victims and witnesses.
- 1.4 This policy aims to ensure the Council complies with these requirements of the Regulatory Framework. It applies where any complainant or alleged perpetrator is an Arun District Council tenant, leaseholder or member of their household, or where the Council is involved in its role as a landlord.

## **2 Policy statement, aims and objectives**

- 2.1 Arun District Council is committed to working together with Central Government, local agencies, local communities and citizens to build a society in which we respect one another - where anti social behaviour is rare, is tackled effectively and communities can live together in peace.
- 2.2 The aims and objectives of this policy are:
- To ensure that as far as possible the Council's tenants and leaseholders are able to exercise their right to quiet enjoyment of their homes;
  - To ensure that incidents of anti-social behaviour are reported, accurately recorded and monitored;
  - To ensure early and effective action is taken which can prevent anti-social behaviour escalating into a serious situation;
  - To take a victim centred approach to dealing with complaints of anti-social behaviour, offering support and advice to victims and witnesses;
  - To fully investigate complaints of anti-social behaviour and deal with them within agreed timescales;
  - To ensure the perpetrators of anti-social behaviour are aware of the consequences of their actions;
  - To take steps to provide appropriate support to perpetrators who are themselves vulnerable, in partnership with other support agencies;
  - To take appropriate enforcement and legal action using the range of tools available to the Council when there is evidence of anti-social behaviour;
  - To work in partnership with other agencies to ensure effective joint working to address cases of anti-social behaviour;
  - To ensure staff have the necessary training and skills to be able to respond effectively to complaints of anti-social behaviour.

## **3 Strategic Context**

- 3.1 The Council's priority themes as described in 'Your Council' 2013-2017 include a commitment to 'reduce the number of people who commit a further crime after receiving help and support from the Council's anti-social behaviour team to less than 5%'. A safe and protected community is also a goal for the Sustainable Community Strategy for Arun 2008-2026, Our Kind of Place.
- 3.2 These aims have also been reflected in the Housing Revenue Account Business Plan 2012-22 which includes a key objective of "Improving the way anti-social behaviour is tackled, including reviewing policies and procedures, introducing IT systems for case management and monitoring, and evaluating the need for specialist staff to manage

serious cases". This updated policy is one of the steps which the Housing Service is taking to achieve this objective.

- 3.4 The Council is part of the Safer Arun Partnership. This is a multi-agency partnership including Arun District Council, West Sussex County Council, Sussex Police Authority, West Sussex Fire and Rescue Service, Surrey and Sussex Probation Trust and Local NHS Trusts, as well as community representatives. Established following the 1998 Crime and Disorder Act, the partnership fulfils the agencies statutory duty to work together to reduce crime and disorder and improve the environment within Arun. Reducing anti-social behaviour is identified as a priority for the Partnership.

#### **4 What is anti-social behaviour?**

- 4.1 There is no single definition of anti-social behaviour but the Anti-Social, Crime and Policing Act 2014 describes it as;

- a) Conduct that causes or is likely to cause harassment, alarm or distress to any person.
- b) Conduct capable of causing a 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.

- 4.2 The Housing Act 1996 defines anti-social behaviour as "Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality."

- 4.3 Harassment as has a variety of definitions but can be broadly defined as;

Unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating hostile, degrading, humiliating or an offensive environment for them. A person may be harassed even if they are not the intended target, but they find the environment offensive. E.g. Racial harassment of a member of a person's family.

Examples of anti-social behaviour include:

- Noise nuisance
- Intimidation and harassment
- Threatening or aggressive behaviour
- Violence against people or property
- Racial harassment
- Hate behaviour which targets people because of their perceived differences
- Domestic violence

- Using housing accommodation for the possession, distribution or dealing of drugs, or other unlawful activity
- Criminal behaviour
- Overgrown and neglected gardens
- Graffiti
- Nuisance from pets and animals
- Fly tipping, litter and misuse of communal areas
- Motor vehicle nuisance and abandonment
- Serious neighbour disputes

4.4 The Housing Service will take action where appropriate and when there has been a breach of the Tenancy Agreement. Some types of behaviour are unlikely to be considered to be anti-social behaviour. For example:

- Personal disputes;
- Children playing in appropriate areas and at suitable times;
- DIY during daytime hours;
- Usual household noises from daily living and domestic appliances including washing machines, vacuum cleaners, playing music, televisions and radios, when used reasonably during daytime hours.

#### **4.5 Racial harassment**

4.5.1 The Macpherson inquiry into the death of Stephen Lawrence defined a racist incident as “any incident which is perceived to be racist by the victim or any other person.” Racial harassment is defined as:

- A deliberate act or acts of violence (verbal or physical) including attacks on property as well as on the 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.

4.5.2 Racial harassment may include:

- Unprovoked assaults including bodily harm
- Vandalism to the home, such as breaking windows
- Racist graffiti on or in the vicinity of the home
- Arson or attempted arson
- Verbal abuse
- Unfounded, excessive and/or trivial complaints targeting someone because of their racial origin.

4.5.3 Arun District Council will not tolerate racial harassment by or against its tenants and will work with the Police and other agencies to use legal and other remedies against anyone found to be racially harassing others.

## **4.6 Domestic violence**

4.6.1 Domestic violence is the physical, emotional, sexual, mental or economic abuse of one person in a relationship where two people are, or have been, partners. It can continue when the partners are no longer living together and in both heterosexual and same sex relationships. Domestic abuse can also occur in other family relationships, for example between people who are siblings, sons, daughters, parents and grandparents. Domestic violence is a breach of Arun's tenancy agreement and the Council will take legal action, where appropriate, to evict a tenant who carries out domestic violence.

## **5 Tenants' Obligations**

5.1 The Council's Tenancy Agreement makes it clear that tenants are responsible for their own behaviour and that of every person (including children) and animals living in or visiting the property. This responsibility includes behaviour on surrounding land, in communal areas and throughout the estate in which their home is situated. Behaviour which is regarded as a breach of the tenancy agreement includes:

- Anti-social behaviour
- Criminal activity
- Domestic violence
- Harassment
- Nuisance
- Violence or threats of violence including against Council staff or agents and against anyone living in or visiting the locality.

## **6 Responsibilities**

6.1 The Housing Services Manager is responsible for:

- Implementation of this policy, including communicating its requirements to staff;
- Ensuring compliance with the policy;
- Ensuring staff receive adequate training to deliver this policy;
- Ensuring effective liaison and joint working with other agencies involved in the delivery of this policy;
- Undertaking periodic reviews of the policy.

6.2 The Senior Neighbourhood Management Officer is responsible for the day to day operation of this policy and for the supervision and support of the Neighbourhood Management Team who carry out its requirements on a day to day basis.

## **7 Responding to complaints of anti-social behaviour**

7.1 Anti-social behaviour is a complex problem which has wide-ranging causes and effects upon its victims and therefore requires a flexible range of appropriate, pro-active remedies to achieve effective solutions. The Council will aim to respond promptly to complaints of anti-social behaviour in a way that is sympathetic to the needs of victims. Whenever possible the Council will aim to deal with complaints of anti-social behaviour by negotiation, mediation and agreement between the parties but where this is not possible or appropriate, it will use the full range of legal powers at its disposal to take action against perpetrators.

7.2 Arun District Council will take the following actions in response to new cases of anti-social behaviour:

- Accept complaints of anti-social behaviour from tenants, leaseholders, residents and their advocates, including family members, local councillors, MP's, the police and other agencies. Complaints may be made by letter, e-mail, telephone and in person at the Council's offices;
- Ensure all complaints are recorded and acknowledged within 1 working day;
- Discuss the complaint with the victim within the stated timescales outlined in section 8 of this policy and agree a proposed action plan. This will be recorded on the Council's I.T. system.
- Intervene at an early stage to provide advice and support to victims and witnesses as required by the risk assessment, in accordance with the service standards outlined in sections 8, 9 and 10 of this policy;
- Intervene at an early stage in complaints of anti-social behaviour and undertake appropriate action to prevent their escalation as far as possible;
- When necessary, to remedy a breach of the tenancy agreement, initiate prompt legal and enforcement action on behalf of the victim. Use appropriate tools, including possession proceedings, injunctions, Acceptable Behaviour Contracts, demoted tenancies and any other powers which may be introduced by future legislation;
- Monitor incidences of anti-social behaviour and keep appropriate records and statistics;
- Keep comprehensive and up to date records of complaints and contact with the victim, perpetrator, witnesses and other agencies;
- Ensure prompt repair of any property damage, seeking to recover costs from the perpetrator whenever possible;
- Ensure compliance with the Council's policies for confidentiality and data protection;

- Work in partnership with other agencies to ensure effective joint working and a multi-agency approach to problem solving;
- Ensure staff have the necessary training, skills and resources to deliver an effective and timely response to complaints of anti-social behaviour.

## **8 Prioritising complaints – service standards**

8.1 The Council aims to provide a timely response to complaints of anti-social behaviour. We will respond in accordance with the following service standards:

1. High Category Complaints – for example complaints involving threats of, or actual violence against persons, including racial or other serious harassment and hate crime or criminal activity including drug dealing, we will respond within 2 working days. Cases involving high risk vulnerable victims will also be treated as high category complaints. Whenever possible where there has been actual violence, we will aim to respond within 1 working day. Complainants will also be encouraged to report the matter to the police. The response will include speaking to the complainant by telephone or in person, taking details of the incident, making an initial assessment of the next actions required and advising the complainant of the proposed next steps.
2. Medium Category Complaints – for example complaints about loud and frequent noise nuisance, vandalism and other damage to property, we will respond within 5 working days.
3. Standard Category Complaints – for example one-off incidents of noise and other nuisance, car repairs and other minor incidents will receive a response within 10 working days.
4. Complaints not assessed as anti-social behaviour - when the behaviour involved is not considered to be anti-social behaviour falling within the scope of this policy, we will notify the complainant of that decision within 10 working days, including advising them about other remedies which may be open to them.

## **9 Support services for victims and witnesses**

9.1 The Council acknowledges that anti-social behaviour can have a severe impact upon its victims and is therefore committed to providing a prompt, effective, sympathetic and appropriate response to complaints. Victims and witnesses of anti-social behaviour can expect the following support:

- We will ensure victims and witnesses are dealt with sympathetically and treated in confidence;
- We will speak to the victim about their complaints within the timescales in Section 8 of this policy. We will agree a proposed action plan to address the anti-social behaviour;

9.2 In cases where legal action is appropriate, it will be important that victims and witnesses give evidence of what they have experienced and seen. However, witnesses may be reluctant to give evidence in court due to fear of intimidation or reprisals. The Council will therefore take steps to support and protect witnesses, including:

- Offering information, advice and support from staff throughout the legal process;
- Liaison with the Court to minimise the amount of time witnesses have to spend face-to-face with perpetrators of anti-social behaviour;
- Using our own staff or those of other agencies to give evidence where they have witnessed the anti-social behaviour;
- Offering additional support to witnesses including security measures, such as fitting additional locks, lighting or alarms at their home; referral to other counselling and support services in the area (where available); transport or travelling expenses to attend court hearings; or translation services as appropriate;
- In the most serious cases, considering whether a move to alternative accommodation is appropriate. We will not normally respond to anti-social behaviour by moving either the victim or the perpetrator as this does not usually resolve the problem. However, in exceptional cases where there is an identified risk of violence or aggression to the victim, a permanent or temporary move may be considered.

## **10 Risk assessment and support for vulnerable people**

10.1 There are circumstances where the Council has a statutory duty to house people in housing need who may be vulnerable, for example due to mental health problems, learning disabilities or substance misuse. Vulnerable tenants may be both victims and perpetrators of anti-social behaviour and the Council will have regard to their needs in its response to complaints of anti-social behaviour. An assessment will be undertaken to identify high risk, vulnerable and repeat victims.

10.2 The assessment will include consideration of the potential risks to both the victim and perpetrator, as part of developing an action plan in response to the complaint. The action plan will include proposals to address the support needs of a vulnerable victim or perpetrator, with the aim of harm reduction and tenancy sustainment. This might include partnership working with other agencies, tenancy support and referrals to other specialist support services.

10.3 Disabled people are sometimes the target of ASB. Victims of ASB have at times been specifically targeted because they have a disability such as learning difficulties. In some case the perpetrator takes advantage of the person or targets them because of their disability. Disabled victims of ASB are often less able to cope and in greater need of support

because of this. The Council must have regard to those who have a disability. This is called the Public Sector Equality Duty.

The Council will also have regard to perpetrators who may have mental health or behaviour disorders which may be linked in some way to their conduct. The Council may ask for expert evidence to support a person's claim that their disability causes them to act in an anti-social manner. Having a disability does not stop the Council taking action to deal with ASB, nor does it prevent the Court from making orders, but it seeks to ensure that when they do, they are justified in doing so, and the action is proportionate. When deciding on a certain course of action the Council will also look at whether there are any alternate methods of dealing with the ASB.

#### **10.4 Hate Crime**

A hate crime is any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. Incidents can range from harassment, abusive language threats to the person or their property. Often these manifest themselves as anti-social behaviour. Even though these may seem minor they can have a dramatic effect on the victim and their families. Hate crime can have a negative effect on how well sections of the community get along. There are a number of laws that deal with hate crime and the Courts have additional powers to increase the sentences of any offence aggravated by a hate crime.

### **11 Prevention and early intervention**

- 11.1 The Council will use Introductory Tenancies for all new tenants. This will provide a 12 month probationary period during which any potential problems with the behaviour of the tenant can be identified and acted upon. This includes using possession proceedings to bring an end to the tenancy if the tenant fails to keep to the terms of the tenancy agreement.
- 11.2 The Council's Tenancy Agreement outlines the tenant's obligations not to commit anti-social behaviour, criminal activity, domestic violence, harassment, nuisance or violence. These obligations and the consequences of failing to keep them will be explained to all tenants when they sign their tenancy agreement.
- 11.3 When a tenant is identified as needing support in order to sustain their tenancy, the Council will work with the tenant and with other agencies and support providers to implement appropriate support plans.
- 11.4 The Council will exclude an applicant from its Housing Register where the applicant, or a member of the household, has been guilty of unacceptable behaviour in the last 5 years.

Unacceptable behaviour can include:

- Serious breach of tenancy conditions including serious nuisance or annoyance to neighbours;
- Conviction of using the accommodation or allowing its use for immoral or illegal purposes;
- Allowing the property to be seriously damaged by the tenant or other residents;
- Conviction of an arrestable offence committed in the locality relating to violence or threats of violence;
- Conviction of an arrestable offence relating to violence or threats of violence against Council staff;
- Eviction from social housing for nuisance or harassment (racial or otherwise) where this behaviour is apparent at the time of application.

11.5 The Council is committed to ensuring that anti-social behaviour is managed as part of a comprehensive service for residents. This includes initiatives to improve neighbourhood management, such as Action Planning for Neighbourhoods in areas identified as a priority and funding neighbourhood improvements in consultation with residents, for example, to improve safety and security, lighting or to tackle estate problems, such as fly-tipping. We will also work with other agencies to implement multi-agency community initiatives and diversionary projects, for example for young people.

11.6 Whenever possible, the Council will endeavour to resolve complaints of anti-social behaviour without recourse to legal action by talking to the alleged perpetrator about the impact of their behaviour or encouraging the victim to talk directly to their neighbour.

## 12 Enforcement and legal powers

12.1 If discussion and mediation have failed to resolve the anti-social behaviour, the Council will consider the use of a range of enforcement measures and legal powers, as detailed below. Which powers, or combination of powers, are most appropriate will be assessed on a case by case basis, in consultation with other agencies involved in managing the case.

12.2 **Abatement Notices** – these can be served by the Environmental Health Department and may be appropriate when the problem is mainly noise nuisance. Failure to comply with an Abatement Notice is a criminal offence and prosecution can result in fine or imprisonment.

12.3 **Acceptable Behaviour Contracts** – these are not legally binding but can be drawn up by Council staff and the Police together with the perpetrator to define acceptable behaviour, such as times when a person is required to be at home, limits on the volume or timing of playing music, stopping offensive language or behaviour, or keeping

away from particular people or places. They can be particularly useful for managing anti-social behaviour by young people.

Anti-Social Behaviour Orders (ASBO'S) are no longer in force. These have been replaced by a Civil Injunctions. The following are the new or amended provisions brought in by the Anti-Social, Crime and Policing Act 2014. They are as follows;

#### 12.4 Civil Injunction Orders

This is a civil Court Order designed to prevent a person engaging in anti-social behaviour where they have engaged or threatened to engage in anti-social behaviour. The Order can also be used to deal with housing related anti-social behaviour including; excluding a person from their home, place limitations on a person's ability to associate with others, and leave or remain in their home as a result of a curfew or restrict access to public places. The Court can attach a power of arrest to these orders in circumstances where there has been the use of violence or threats of violence. Failure to comply with an injunction can result in a fine, imprisonment or both. The Court also has the power to amend these orders to add or remove conditions.

#### 12.5 Closure Orders

A Closure Order prohibits access to the premises by anyone other than people specifically allowed to do so. This can include other parts of a building and or structures. E.g. communal areas and gardens. This includes the tenant, their families, friends and associates. The purpose of these orders is to create fast, flexible power that can be used to protect victims and communities from premises which are causing nuisance or annoyance. The Court can make the Order for 3 months, and extend it for a further 3 months.

#### 12.6 **Criminal Behaviour Order**

This is a post-conviction order that can be made when a person has been convicted of an offence or the Court makes an order discharging the offender conditionally. The Court will make this order if it considers that the offender has engaged in conduct that caused, or was likely to cause harassment, alarm of distress to any person, and that in making the Order it will help in preventing the offender from engaging in such behaviour in the future. Failure to comply with the terms of the Order can result in imprisonment for up to 6 months, a fine or both.

#### 12.6 **Parenting Orders**

These are orders that are primarily designed to help parents address their child's behaviour. They require a parent to comply with requirements in an order for not more than 12 months and to attend counselling sessions for up to 3 months. They can be made by the Court if the child or young person is convicted of an offence, made subject to a criminal behaviour order, or a civil injunction. Failure to comply with the Order is a criminal offence punishable by a fine.

### **12.7 Public Spaces Protection Orders (PSPO)**

These orders prohibit activities carried out in a public place within the authority's area which have a detrimental effect on the quality of life of those in the locality, or that it is likely that the activities will be carried out and that it is likely to have such an effect. The Order can remain in effect for up to 3 years in total. E.g. restricting the use of public land at certain times for certain activities such as the consumption of alcohol or use of drugs. A Fixed Penalty Notice can be issued for failure to abide by the Order, or in the case of alcohol, surrender to a Police Community Support Officer. In addition failure to comply with the order can be a criminal offence which on conviction can result in a fine.

### **12.8 Community Protection Orders**

This is a Notice which imposes requirements upon an individual or body to whom it is issued. These notices can be to stop doing something, or to specifically do something, or take reasonable steps to achieve a specific result. This remedy is designed to deal with particular ongoing problems or nuisance which has a negative effect on the community's quality of life. It is intended to target the individuals responsible. The Notice can apply to an individual as well as businesses. E.g. a person who allows their dog to foul a communal garden or a takeaway shop that allows its customers to eat their food outside the shop and then drop litter on the pavement which causes a nuisance to local residents.

If the Order is not adhered to the Council can undertake the work and charge the person or business for doing so, or issue a notice requiring further action be taken. It is also a criminal offence to fail to comply with the Order and could result in a fine of up to £2,500, or for business and other bodies, a fine up to £20,000. The Court can also make an additional Order to ensure the original Order is complied with e.g. carry out certain repair work. In addition, the Court has the power to order a person convicted of an offence to give up an item used to carry out the offence and that the item be destroyed. Eg. A music system.

### **12.9 Mandatory Possession**

The Council now has additional powers to gain possession of properties where the tenant or, a member of their household or visitor has been convicted of a serious offence, proved to have breached a Civil Injunction and/or been convicted of a breach of a Criminal Behaviour Order, a Noise Abatement Notice or Order. If a Closure Order is made in respect of premises, this automatically gives the Council the power to seek possession. In this case the Court must make the possession order.

### **12.10 Ending the Tenancy**

Where a council tenant has broken the terms of their tenancy agreement by engaging in ASB, or allowing their family or visitors to engage in ASB, the Council can, in appropriate cases, take action to evict them. The process the Council follows is different depending on whether the tenancy is Introductory, Secure, Flexible or Demoted.

12.11 The first step in possession proceedings relating to secure tenancies is for the Council to send the tenant a formal notice which sets out clearly the behaviour the Council says breaks the terms of the tenancy, and informs the tenant of the date after which the court proceedings can be started as required by the Housing Act 1985 (as amended). The order can be outright or suspended on terms. In the event of an outright order or further anti-social behaviour which breaches the terms of a suspended order, the Council will apply to the Court for a warrant of execution to evict the tenant.

There are some circumstances where the Court will grant the Council immediate possession as long as it has followed the correct procedure or relies on a ground that empowers the Court to do so. E.g. a closure order has been made in respect of a property or the tenancy is an introductory one.

12.12 **Community Harm Statements** – these have been developed by the Chartered Institute of Housing working with the Social Landlords Crime and Nuisance Group for the Department of Communities and Local Government. It is a tool for social landlords to use to highlight the impact of anti-social behaviour on a community for 3 main purposes - to assist in preparing evidence for legal proceedings; to support evidence based decision making and case management; and to contribute to developing a multi-agency response.

12.13 **Demoted Tenancies** – where a secure tenant, or a member of their household, is carrying out anti-social behaviour, the Council can apply for a Demotion Order. This has the effect of making the tenancy similar to an Introductory Tenancy. At the end of the demoted tenancy period of 12 months, if there have been no further incidents of anti-social behaviour, the tenancy becomes secure again. However, in the event of further anti-social behaviour in the 12 month demotion period, the Council can end the tenancy and apply to the County Court for possession using a similar procedure to that used for Introductory Tenancies.

12.14 **Parenting Orders** – these may be issued by the Court to order a person to attend parenting classes, undergo family mediation or other rehabilitation.

#### 12.15 **Police Powers**

The Police have available to them additional powers which can be used. They include;

1. Power of Arrest attached to an injunction order. This gives a police constable power to arrest the person subject to the order without a warrant if he has reasonable cause to believe that a breach of the injunction has occurred.
2. The Magistrates Court can issue a warrant to a constable or designated person such as council officer, to enter premises

within 14 days of the warrant being issued in order to seize an item used in the commission of an offence of failing to comply with a public spaces protection order (PSPO).

3. If a person is convicted of an offence of breaching the PSPO, the Court can also order that items be destroyed or disposed of. E.g. a music system that has been used to create a noise nuisance.
4. Dispersal powers allow the police and authorised PCSOs to exclude a person from a particular place for a maximum of 48 hours. It can be used to stop members of the public being harassed, alarmed or distressed. Or in the locality of crime or disorder, and it is likely to reduce the above occurring. The police also have the power to direct a person to surrender an item in their possession or control that the officer reasonably believes has been used, or is likely to be used in anti-social behaviour. E.g. a moped that is being ridden around on the play area of an estate causing a nuisance.

#### **12.16 Young People**

Where a person is under the age of 18 years there are specific provisions in place within the Anti-Social Behaviour, Policing and Crime Act 2014 with regard to the above measures. Officers are advised to seek guidance from the Council's legal department before commencing court action against a person under 18.

### **13 Community Trigger**

There is provision for a tenant to ask the council for a case of ASB to be reviewed. To complain the person must be a qualifying complainant. They must have made a complaint within one month from the date the ASB occurred and ask for a review within 6 months of the complaint being made and there have been three qualifying complaints.

The review criteria acts as a filter to ensure that appropriate cases are put forward for a full ASB review. An ASB case review can be requested by the victim or by someone acting on behalf of the victim such as a family member or friend, a carer or MP.

- 13.1 The Human Rights Act 1998, The Equality Act 2010 and Disability Rights are protected under the Human Rights Act 1998 are incorporated into the law of England and Wales and impacts on the powers councils have in dealing with ASB.

It is unlawful for the council to act in a way that that is incompatible with a Convention right. Interference with a person's human rights must be proportionate to their rights. This means balancing the rights of individuals against the interest of the wider community. When making decisions about what action to take to tackle ASB, the Council must be

aware of the implications of its decisions and will demonstrate that it has assessed how a proposed action is affected by human rights and is proportionate. The Articles that are most likely to apply in these cases are Article 8 - the right to respect for family life, Article 10 – freedom of expression and Article 11 – freedom of assembly and association.

These are qualified rights in that there are circumstances in which these rights can be lawfully curtailed. There must be a rule or regime that permits the interference. The Convention recognises that there are legitimate aims for interfering in these rights, such as it is lawful, in the interest of national security, public safety, the economic well-being of the county, for the prevention of crime and desired, or the protection of health or morals or for the protection of the right and freedoms of others. The interference must also be necessary. The Council is responsible for showing that the actions it takes are necessary. In other words they are proportionate. Thus, the principles are directly relevant to the day to day decision making of officers.

## **14 Partnership working**

14.1 The Housing Service is committed to working in partnership with other services and agencies to develop multi-agency responses to managing cases of anti-social behaviour. This includes:

- Ensuring effective partnerships with other Council services (including Environmental Health, Community Safety and Legal Services) and with the Police to deliver a joined up response to complaints of anti-social behaviour;
- Contributing to achieving the aims of the Safer Arun Partnership to:
  - Make communities safer
  - Reduce anti-social behaviour
  - Provide high quality services for victims of anti-social behaviour
  - Work with local communities to determine their priorities and find solutions
  - Ensure that we all work together effectively;
- Participating in ASBAG (the ASB Action Group), which meets monthly to agree a multi-agency approach to individual cases of anti-social behaviour;
- Contributing to the development and implementation of protocols for joint working and information sharing between agencies with the aim of improving communication and case management.

## **15 Data protection, confidentiality and information sharing**

15.1 The Council will ensure it complies with the requirements of the Data Protection Act 1998 and its own Data Protection Policies when managing information it holds about its tenants and leaseholders.

15.2 All complaints about anti-social behaviour will be treated confidentially. The name and address of the complainant will not be disclosed to the alleged perpetrator unless the prior approval of the complainant is received.

15.3 The Council will work with partner agencies to agree and comply with information sharing protocols including the West Sussex Data Sharing Protocol, in accordance with the Crime and Disorder Act 1998 and the Data Protection Act 1998. Personal data regarding individuals may be disclosed for one or more of the following purposes:

- Preventing Crime and Disorder;
- Preventing anti-social behaviour;
- Detecting offences;
- Apprehending offenders;
- Providing support for the victims of crime;
- Making our communities safer
- Assisting in the prosecution of offenders and obtaining order in the civil court

#### 15.4 **The Equality Act 2010 and Disability**

The Equality Act 2010 identifies those characteristics in respect of which it is unlawful to discriminate (“protected characteristics”). Examples of these characteristics are; age, disability, race, sex, religion or belief, sexual orientation.

The Act protects a person from discrimination if they are associated with someone who has a protected characteristic e.g. a family member or friend.

## 16 **Protection of Staff**

16.1 Dealing with complaints of anti-social behaviour can result in confrontation, verbal abuse and threats of physical violence. The Council has a duty to provide its staff with a safe and healthy working environment and will therefore take appropriate steps to minimise the risk to its staff.

16.2. The Tenancy Agreement is a legal agreement between the tenant and the landlord which defines the rights and responsibilities of both parties. The agreement prohibits the use of, or threat of violence, harassment or intimidation against any Council Staff or Agents by tenants, members of their household and visitors. The Council will take appropriate legal action against perpetrators.

16.3 The Council will also:

- Provide training for staff to help them deal with potentially confrontational situations;

- Undertake risk assessments and devise safe systems of work to manage any identified risks;
- Keep appropriate records of tenants whose behaviour may pose a threat to staff and administer a system for notifying staff;
- Provide appropriate support for staff following any incidents involving violence or aggression.

## 17 **Media Strategy**

The Council will where appropriate publicise its work, to promote positive case outcomes and provide reassurance to residents of its ability to tackle and prevent anti-social behaviour. When appropriate it will also liaise with other agencies such as the police. Normally this will be through the Council's Public Relations Department, but it may liaise with other agency public relations departments to issue joint statements or publicity.

## 18 **Complaints**

The Council is committed to providing the best possible service at all times with the resources available. Sometimes things do go wrong and we would always prefer to put things right straight away if at all possible. If a complaint cannot be resolved by speaking to the person involved, the section or department who handled the matter in the first place, we have a procedure for dealing with complaints from members of the public. This enables complaints to be dealt with in a fair and consistent way. Details of this can be found on the Council's website at [www.arun.gov.uk](http://www.arun.gov.uk) or you can telephone us on 01903 737709.

## 19 **Training**

The Council recognises that training for staff is essential to assist them in responding effectively with complaints of anti-social behaviour. Training will be provided at regular intervals to ensure staff have the necessary skills and knowledge to use the full range of tools available to them. This will include:

- Up to date knowledge of the law and good practice;
- Interviewing and investigation techniques;
- Problem solving and case management;
- Good communication skills to enable them to liaise effectively with both members of the public and staff from other agencies;
- Time management techniques to improve case load management.

## 20 **Performance measures**

20.1 The Council will put systems in place to monitor and record complaints of anti-social behaviour affecting its tenants and leaseholders. This will include monitoring:

- The number of new complaints received each month;
- The category of anti-social behaviour alleged;

- The number of cases closed during the month;
- Legal and enforcement action taken;
- The number of cases dealt with in partnership with other agencies;

20.1 These statistics will be included in an annual report on the management of anti-social behaviour that will be made to the Council.

## 21 Policy Review

This policy will be reviewed every 3 years. The next review is due in April 2019.

### Glossary of terms/Jargon buster

Term used	Definition
Abatement Notice	A legal notice served by an Environmental Health Officer requiring someone to stop the nuisance they are causing. It is often used in cases of noise nuisance. Failure to comply with an Abatement Notice is a criminal offence and prosecution can result in fine or imprisonment.
Acceptable Behaviour Contract (ABC)	This is an agreement between an individual and an agency or agencies about how the individual will behave in the future. It is not legally binding but seeks to encourage an improvement in behaviour.
Action Planning for Neighbourhoods	A plan developed in partnership between the Council, other agencies and local residents to identify how the area they live in will be managed and any specific initiatives that will be undertaken to improve the area.
Anti-Social Behaviour (ASB)	Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality.
ASBAG	Anti-Social Behaviour Action Group, a multi-agency meeting to discuss individual cases of anti-social behaviour and agree actions to be taken.
Community Harm Statement	A statement of the impact and harm anti-social behaviour is having on a specific community.
Demoted Tenancy	A court order against a secure tenant who has committed anti-social behaviour which reduces their security of tenure for a 12 month period.
Housing Register	The register of people in housing need in the

	District who are waiting to be housed by the Council or another social landlord.
Housing Revenue Account Business Plan	The Housing Revenue Account is a financial record of the income and expenditure of the Council spent on managing its housing stock. The Business Plan sets out the Council's expenditure priorities for the next 10 years.
Injunction	A court order instructing a person not to behave in a certain way, or visit a certain area or person.

Introductory Tenancy	A non secure tenancy offered to a new tenant of the Council for a probationary period of 12 months.
Key Performance Indicators	A set of statistics which monitor the performance of the Council against its targets and is published monthly.
Leaseholder	Someone who has bought their home (normally a flat) from the Council on a long lease under the Right to Buy.
Parenting Orders	Orders that may be issued by the court to order a person to attend parenting classes, undergo family mediation or other rehabilitation.
Possession Order	A Court order bringing to an end a tenancy and permits the landlord to then seek to evict the tenant by applying to the Court for the possession order to be enforced by the court bailiff.
Registered Provider	A social landlord, either a Council or a housing association.
Regulatory Framework	The rules which registered providers of social housing in England are required to follow from April 2012.
Respect ASB Charter	A voluntary charter for social landlords which aims to improve the management of anti-social behaviour.
Risk Assessment	An assessment of the risks involved in a specific activity or situation and the steps that can be taken to manage the risks.
Safer Arun Partnership	A multi-agency partnership established following the 1998 Crime and Disorder Act to fulfil the agencies statutory duty to work together to reduce crime and disorder within Arun.
Social Landlord	A registered provider of social housing, either a Council or a housing association.
Tenancy Agreement	"A legal agreement between the tenant and the landlord which defines the rights and responsibilities of both parties".
Tenant	The person(s) named on the tenancy agreement who rent their home from the Council.

Legislation, Regulation, Guidance and Policy considered in the writing of this policy.

#### Legislation and Guidance

1. Anti-Social Behaviour, Crime and Policing Act 2014.
2. Anti-Social behaviour, Crime and policing Act : Reform of anti-social behaviour powers. Statutory guidance for frontline professionals. July 2014.
3. Equality Act 2010.
4. Criminal Justice Act 2003
5. Crime and Disorder Act 1998
6. Human Rights Act 1998
7. The Housing Act 1996
8. The Housing Act 1985

#### Policy

1. Discharge of Homelessness Policy 2015
2. Equality & Diversity Policy 2014.
3. Housing Allocations Scheme 2014.
4. Homelessness Strategy 2012.
5. Housing Service Standards 2011
6. Tenant Policy 2010.
7. Tenancy Agreement 2010
8. ASB Safer Arun Partnership 2015

#### Other.

1. Tenants Handbook 2010.