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**Council Housing Services** 

# Anti-social Behaviour Policy Statement

How we can help

**Tackling Anti-social Behaviour** 

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# **Anti-social Behaviour: Policy and Procedure**

# Introduction

Section 218A of the Housing Act 1996 requires landlords that are local housing authorities, Housing Action Trusts and registered social landlords to prepare and publish policies and procedures in relation to anti-social behaviour.

#### Landlords obligation's under Section 218A of the Housing Act 1996

Anti-social behaviour is conduct which:

- Is capable of causing nuisance or annoyance to any person (e.g. anyone living or working in the neighbourhood);
- Directly or indirectly relates to or affects the housing management functions of a relevant landlord (e.g. the landlord cannot carry out his duties)

*Direct activities* affecting housing management include: maintenance and repairs, rent collection, neighbourhood management, dispute resolution.

*Indirect activities* may include: social care and housing support, environmental health and refuse collection.

 Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

The landlord must produce the following documents:

- Statement of Policy and Procedures on anti-social behaviour ('the statement'); and
- Summary of current policy and procedures on anti-social behaviour ('the summary').

**The Statement of Policies** outlines Council Housing Service's general approach to anti-social behaviour as the landlord service of Lancaster City Council and also includes specific policies on our commitment to eradicating ant-social behaviour, the obligations of tenants, support for witnesses of anti-social behaviour, racial harassment, domestic violence, multi-agency partnerships and the use of available legal remedies.

These policies have been produced in consultation with tenants, tenants groups, and the organisations represented on the Lancaster District Community Safety Partnership.

The Statement of Procedures outlines Council Housing Service's procedures when dealing with occurrences of ant-social behaviour. For example, it includes information on how and to whom a complaint of anti-social behaviour should be made, how contact will be maintained with the complainant, and how the progress of the case will be monitored. It contains sufficient information to enable a tenant to understand how the landlord will deal with a complaint of ASB and what is expected of the tenant.

**These Statements of Policy and Procedures** complement the priorities of the Council, and of the Lancaster District Community Safety Partnership.

These documents are available in a variety of formats, including the Council's website, the Statement is also available in printed hard copy form and is available in translation and alternative formats (for example in Braille and large print) on request.

# **Statement of Policies**

# Definition of anti-social behaviour

Anti-social behaviour is conduct which:

- Is capable of causing nuisance or annoyance to any person (e.g. anyone living or working in the neighbourhood);
- Directly or indirectly relates to or affects the housing management functions of a relevant landlord (e.g. the landlord cannot carry out his duties)
- Consists of using, or threatening to use, housing accommodation owned or managed by a relevant landlord, for an unlawful purpose.

A list of examples includes:

- Noise nuisance (e.g., loud parties, shouting, noise from TVs, radios, hifi's and burglar alarms);
- Intimidation and harassment
- Local environmental quality issues (e.g. litter, dog fouling, graffiti, fly tipping and nuisance vehicles) or
- Aggressive and threatening language and behaviour
- Actual violence against people and property
- Hate behaviour that targets members of identified groups because of their perceived differences (e.g. race and ethnicity, gender, age, religion, sexual orientation, mental health or disability)
- Using housing accommodation to sell drugs, or for other unlawful purposes.

#### General policy statement of approach to anti-social behaviour

"Anti-social behaviour destroys lives and shatters communities". It is a widespread problem but its effects are often most damaging in communities that are already fragile. If left unchecked it can lead to neighbourhood decline with people moving away and tenants abandoning housing. It can seriously damage the quality of life of vulnerable people through the fear of crime and the long - term effects of victimisation. It also incurs costs to a wide range of people including individuals and families, schools, local authorities, social landlords, and businesses.

Anti-social behaviour, racial harassment, hate crimes and domestic violence will not be tolerated.

Council Housing Services recognises that, to provide a quality housing service, it must be effective in tackling the problems created by anti-social behaviour.

A three pronged approach has been adopted as an effective means of addressing the problem as a whole:

- **Prevention**; by local partnerships, and by putting in place measures to create a physical & social environment where crime, anti-social behaviour, and neighbour nuisance are less likely to arise in the first place
- **Early intervention**; including making use of current powers available under the Housing Act 1996, the Crime and Disorder Act 1998, and the Anti-social Behaviour Act 2003
- **Rehabilitation**; breaking the cycle of repeated crime, anti social behaviour and neighbour nuisance

Council Housing Services will work in partnership with other agencies and continue to build new working relationships with statutory and voluntary groups to ensure that both case based and long term anti-social behaviour strategies are addressed.

Council Housing Services will evaluate casework to determine what works and will share best practice.

To this end we will:

- Identify local problems
- Determine local action
- Implement local action
- Assess the impact of local action

#### Our response

Council Housing Services will deliver a proportionate and flexible response to the challenges that anti-social behaviour presents. To assist in this all cases will be graded. There are four grades, as follows:

*Grade One* – Anti-social behaviour resulting in actual or threatened violence or incidents that indicate a likelihood of serious injury, or any racist incident or act.

We have adopted the definition of racist incident within the Stephen Lawrence Report – "A racist incident is any incident which is perceived to be racist by the victim or any other person".

**Grade Two** - Anti-social behaviour which is intentional, targeted and may be continuous. This behaviour may be a combination of unwelcome or illegal acts with the intention to intimidate, frighten or harm a person or cause damage to their property. Such behaviour prevents the quiet enjoyment of the home and may affect physical or mental well being. This may be treated as harassment.

Examples:

- Domestic violence/abuse in the home towards anyone (this may also be Grade one)
- Illegal or immoral use of property or communal areas, including drinking alcohol or using illegal substances in communal areas
- Stalking or unwanted attention
- Verbal abuse / abusive telephone calls
- Intentional damage to property or a dwelling
- Using dogs to terrorise a person
- Children / youths intimidating residents by deliberately congregating in areas to obstruct pathways or entrance / exit to home
- Offensive material placed through letterbox or on the property or its vicinity (e.g. threatening / abusive letters, food, excrement, graffiti)
- Demanding goods, services or money with menace

*Grade Three -* Behaviour or acts considered breaches of the tenancy agreement. Anti-social behaviour may occur where there is no intention to cause harm, alarm or distress, or to deliberately target and annoy someone, rather this is caused through a thoughtless inconsiderate attitude.

Examples:

- Unintentional damage to property
- Running a business from a property
- Noise nuisance e.g. DIY, children playing, pets
- Nuisance caused by pets fouling, noise
- Hoarding rubbish within the home or garden
- Graffiti, damage to communal areas
- Youths congregating in communal areas
- Unsightly gardens
- Unauthorised parking
- Carrying out car repairs on communal areas

• Abandoned vehicles

*Grade Four -* Behaviour and acts that do not represent a breach of tenancy conditions and for which the landlord has no further powers upon which to act.

Examples:

- Disputes over differing lifestyles which in themselves do not constitute a breach of tenancy
- Disputes over parking where no tenancy / leasehold condition has been breached or criminal activity has occurred

In response to individual reports of anti-social behaviour:

- Every report will quickly and formally acknowledged
- Every report will be investigated by the tenancy and estate management team
- Investigations will seek to identify and interview all interested parties
- Investigations will start at the earliest possible time after receipt of the complaint and be conducted with all reasonable speed
- Investigators will not pre judge any complaint decisions and actions will be based on facts
- Every report will be graded to assist in prioritising our initial response
- Tenants and residents will be encouraged to resolve disputes themselves where appropriate
- Responses will, as necessary and as appropriate, move from advice, conciliation, mediation and support for tenants' own action, to legal action by Lancaster City Council on behalf of victims of anti social behaviour
- Council Housing Services will demonstrate by its actions that it will not tolerate anti social behaviour, and will make this absolutely clear to its tenants and to any person who is seeking a tenancy

Council Housing Services will, if necessary, seek to use legal action based on tenancy conditions or leasehold covenants to resolve complaints against individuals who are perpetrators of nuisance and are our tenants or leaseholders.

Council Housing Services is also committed to finding ways of acting with and on behalf of its tenants who are victims of nuisance caused by perpetrators who are not its tenants.

Council Housing Services will be rigorous when considering rehousing any person who is demonstrated to be guilty of anti social behaviour or criminal

activity adversely affecting other people in the quiet enjoyment of their homes. This consideration will be exercised in accordance with responsibilities regarding the maintenance of the statutory housing register and will always seek to meet the requirements of the law.

If, in cases of conflict between neighbours, there is a possibility that conciliation could be effective, this will be attempted. Anything which can will be done to avoid increased conflict in such circumstances. However Council Housing Services will take quick, responsive action where necessary in cases of harassment or victimisation to protect complainants and their witnesses.

#### Our principles are:

- Anyone has the right to their chosen lifestyle providing this doesn't spoil the quality of life of other. This implies some degree of tolerance of an respect for the requirements and needs of others
- Lancaster City Council has a role as landlord in ensuring that such rights and obligations are realised in individual cases
- Lancaster City Council has a larger role within the arena of the public interest to promote and protect the interests of those living within its boundaries.

Council Housing Services has established a team of Estate Managers under the direction of a Neighbourhood Housing Officer to respond to all tenancy and estate management issues; which includes the responsibility for the practical implementation of this Statement of Policies.

# The strategic context

Section 17 of the 1998 Crime and Disorder Act places a statutory duty on agencies to tackle crime and disorder as part of their core or 'mainstream' work. This statement of policies and procedures reflects this requirement and complements the Lancaster District Community Safety Partnership - Strategy.

In addition this statement of policies and procedures is compatible with legal requirements affecting the Council, including, amongst others;

- Children Act 1989
- Disability Discrimination Act 1995
- Data Protection Act 1998
- Human Rights Act 1998
- Local Government Act 2000
- Race Relations Act 1976 (as amended 2002)
- Homelessness Act 2002

# **Obligations of tenants**

The Council's tenancy agreement explicitly states that everyone has the right to enjoy life in their own way providing they don't upset people living near them. A good neighbour will tolerate and understand the different lifestyles of others.

- Tenants are responsible for the behaviour of every person (including children) living in or visiting their homes. They are responsible for them in their homes, on surrounding land, in communal areas and in the neighbourhoods around their homes
- Tenants, and those they are responsible for, must not cause a nuisance, annoyance or disturbance (e.g. loud music, door slamming, arguing, dog barking and fouling, offensive behaviour, rubbish dumping, playing ball games close to someone else's property) to any other people
- They, and those they are responsible for, must not harass (e.g. racist behaviour or language, using or threatening violence, using abusive/ insulting words / behaviour, damaging or threatening to damage another persons property or possessions, writing threatening, abusive or insulting graffiti, doing anything that interferes with the peace comfort or convenience of other people, discrimination against minority groups)any other person
- Tenants and those they are responsible for must not inflict or threaten violence against any other persons in their household. They must not harass or use mental, emotional or sexual abuse to make anyone who lives in their household leave the home
- They must not use their homes, communal areas or neighbourhoods for any illegal activity such as selling drugs
- They must not at any time subject City Council employees, agents, contractors or councillors in the course of their duty, to any physical or verbal abuse
- Tenants and those they are responsible for must not run a business from your home without the City Council's agreement in writing. They must keep their gardens tidy and must not damage or put graffiti on City Council property or any property in their neighbourhood
- They must co-operate with the City Council and their neighbours to keep any communal areas clean, tidy and clear of obstruction; keep pets under control at all times and not keep any animal that the City Council decides is unsuitable for their home
- Tenants and those they are responsible for must not park a vehicle anywhere on their property except on a hardstanding; must not park a caravan or motor home on their property without the Council's written agreement; and must not park anywhere that will obstruct the emergency services. They must not do major repairs or park

unroadworthy vehicles in their property, on the land around their homes, or on the road

# **Specific policies**

# Support of complainants and witnesses

Council Housing Services recognises that complainants and witnesses are crucial to tackling anti-social behaviour: whether they are victims of anti-social behaviour directed against them specifically, residents who witness anti-social behaviour directed against the community.

Council Housing Services need residents to report incidents – to provide evidence – and to help police enforcement action taken against perpetrators.

Complainants and neighbours are credible and very persuasive as witnesses. The evidence available from a witness of anti-social behaviour is of a higher quality than hearsay or professional witness statements; it demonstrates the true distress and annoyance of anti-social behaviour; it shows how anti-social behaviour damages the community.

Council Housing Services recognises that gaining the trust and confidence of complainants and witnesses is key to keeping complainants and witnesses on board. No more so that at the crucial first stage when a report is made. This is the point at which complainants' and witnesses' expectations are set.

Complainants will not generally be asked at the outset whether they are prepared to go to court as a witness. The context of any discussion of legal action should be the complainant's developed capacity to act as a witness.

Officers have a specific responsibility to work to develop this capacity by building the complainant's understanding, information, sense of control, confidence and strength of purpose.

Complainants will be approached in a supportive way. It will be made clear to the complainant any decisions and actions will be based on facts. At the appropriate time (and exercising appropriate discretion to protect any complainant), any alleged perpetrator will be given an opportunity to give their version of the events in question.

An action plan will be established with the complainant and the complainant will be contacted regularly during the course of proceedings and, in any case, whenever there is some item of progress.

The possibility of legal action will be discussed with all parties (including the perpetrator) at the appropriate time during the investigation. This time is, however, unlikely to be in the early stages of case development unless the complainant needs urgent legal protection as a result of violence or the threat of violence.

Complainants and witnesses will be supported throughout all stages of the process; from report, to court, remedy and beyond.

Our standards are:

#### Reporting

- To be clear about how incidents of antisocial behaviour can be reported; publicise what is unacceptable behaviour and what action can be taken with witness reports
- To make the reporting channels as simple as possible
- On receipt of a report, let the person know that their report is important and tell them how it will be dealt with and in what timescales
- To consider applying to the court for an immediate order such as an interim injunction or ASBO (these can be served without notice) so as to provide some immediate respite
- To assess the home environment to understand what witness protection measures are required (such as installing new locks on windows and doors, a panic button)
- To give details of an emergency out of hours contact
- When people are too scared to come forward consider the use of hearsay evidence containing anonymised witness statements and professional witnesses.

#### Supporting and explaining legal action

- To discuss and plan every stage of the legal action i.e. the serving of papers, the exchange of witness statements, the court hearing, and the implementation of the remedy with the witness
- To keep witnesses informed of the progress of their case via a weekly courtesy call or other agreed arrangements
- To keep close control of the evidence with regular retrieval and checking of diary sheets
- To remain alert to any potential risks to witnesses
- To let other relevant officers, such as caretakers, wardens, know of the witnesses' potential vulnerability, so they too can keep a 'look out'
- To put the witness in touch with other residents who might be available to offer support

#### At court

- To offer to arrange a visit to the court in advance of the hearing so witnesses can familiarise themselves with the layout
- To ask the court for a room where the layout less intimidating
- To arrange transport to the court for witnesses
- To make arrangements or cover the costs of any childcare or other dependent care
- To consider reimbursement for time off work, and other expenses incurred by the witness
- To escort the witness at all times
- To arrange if possible for a police presence the court
- To secure the provision of a secure waiting area

#### After the court

- To inform the victim, community and relevant agencies about successful legal action
- To consider publicising successes through targeted leaflets and posters, which can be effective in strengthening the community, encouraging future witnesses and helps to monitor any potential breach of orders
- To provide ongoing support for as long as the witness feels it is necessary and as long as reasonably practicably

Council Housing Services will work with local statutory and voluntary agencies that are working with victims and witnesses, such as Victim Support, Local Criminal Justices Boards, court clerks and court managers.

Housing officers have access to support packages for victims. Examples of support include:

- Regular visits to the victim and, with their agreement, encouraging and assisting additional help from local groups if that is felt to be appropriate
- Arranging victim support
- Arranging "Lifeline" community alarm service
- Mobile phones

- Priority action on a transfer request to ensure that it is dealt with promptly and ensuring that the victim is fully informed of progress
- Setting out a range of visits, mediation, warning letters and legal action which is considered to be appropriate as far as the perpetrator(s) is concerned and ensuring the victim is kept informed of the action being taken
- Setting out the range of repair work needed and ensuring that the emergency status of these repairs is adhered to
- Repairs which are necessary because property or its curtilage has been wilfully damaged by perpetrators. This can include dealing with painted graffiti, daubings, removal of rubbish and excreta. These repairs must be treated as an emergency and completed as the most important priority especially in relation to security of the accommodation
- Ensuring that maintenance staff or external contractors understand the urgency of the situation and will behave sympathetically towards the victim(s) while at their home
- Repair work and other improvements may be possible within the maintenance budget. This will improve the safety and security of the tenant's home and may include, for example: provision of fireproof letter boxes; strengthened gates, doors and windows; additional locks and/or alarms; improved lighting; additional fencing/walls

# Professional witness schemes

Council Housing Services will also involve the use of professional witnesses from staff and partnership contacts to gather evidence of anti-social behaviour that they have witnessed and to support witnesses.

The Housing Act (1996) and the Crime and Disorder Act (1998) have facilitated the use of professional witnesses since possession and anti-social behaviour orders can now be granted on the basis of conduct likely to cause a nuisance and following a conviction for an arrestable offence

Professional witnesses can give evidence on conduct they have observed without tenants having to give evidence of experiencing the nuisance. However, whilst the law enables professional witnesses to be used it is the general view that a judge is more likely to grant possession if evidence is heard directly from the victims.

The use of professional witnesses in court may be the way forward for those witnesses who are reluctant to come forward for fear of reprisals. Professional witnesses who observe and record incidents, can provide evidence in court when required.

# Racial and other harassment policies

Through our Racial Equality Policy Council Housing Services is committed to:

- Eliminating unlawful racial discrimination in its service provision
- Promoting equal opportunities for all ethnic groups
- Delivering a high standard of service to all communities and to delivering services fairly to all sections of the community
- Providing services that are sensitive to differences in needs, language, culture, and religion
- Recognising the diversity of local communities and to foster good relations between communities
- Building strong, safe and independent communities free from any discrimination
- Taking positive action to address existing disadvantage and encourage a more inclusive society
- Taking action to identify groups whose needs are less well met by the Service than those of other groups
- Raising people's awareness of discrimination and prejudice against people from different ethnic backgrounds and to promoting action to tackle any resulting problems
- Taking account of our racial equality policy when we ask people undertake work on behalf of the service

Council Housing Services is committed to:

- To allowing all residents to live peacefully, free from violence
- A victim-centred definition of a racist incident
- To ensuring that allegations of racist incidents are investigated, acted upon and the victims kept updated
- To taking swift and effective action against perpetrators with the aim of protecting the victim, stopping the harassment and preventing further incidents
- Working in partnership with community groups, the police and other agencies on the collection, recording and exchange of information to ensure that the full range of criminal and civil remedies can be pursued
- Improving measures to encourage the reporting of racist incidents
- Developing preventative strategies

• Monitoring the number of racist incidents and the response of the service

Council Housing Services is committed to compliance with the Office of the Deputy Prime Minister Code of Practice for Tackling Racial Harassment.

The code of practice is divided into five subjects:

- Working with other agencies
- Prevention and publicity
- Encouraging reporting
- Supporting victims and witnesses
- Action against perpetrators

Council Housing Services policies and procedures for addressing and tackling racial harassment are kept constantly under review. Council Housing Services is subject to external audit in terms of compliance with this code by the Audit Commission.

#### Domestic violence policy

Domestic violence committed by a tenant, family member or visitor in social housing could fall within the description of anti-social behaviour.

Council Housing Services is mindful of the need to ensure that the victim is supported in accessing remedies specifically designed to deal with domestic violence (for example, non-molestation orders). The use of measures designed to tackle anti-social behaviour for example ASBOs), will normally only be used where the relevant Police Domestic Violence Unit has been consulted and there is no other option available in order to provide protection and prevent the impact on the wider community.

Council Housing Services has a separate Domestic Violence policy document that sets out the wider approach to tackling domestic violence and supporting victims of domestic violence.

# Prevention of anti-social behaviour

Council Housing Services is committed to prevention through local partnerships, and by putting in place measures to create a physical & social environment where crime, anti-social behaviour, and neighbour nuisance are less likely to arise in the first place. Early intervention including making use of current powers available under the Housing Act 1996, the Crime and Disorder Act 1998, and the Anti-social Behaviour Act 2003 is also key to preventing the escalation of anti-social behaviour.

Council Housing Services has adopted the following preventative measures.

#### Advice on responsibilities and remedies

Our aims are:

- To identify any support needs of prospective tenants at an early stage with a view to ensuring that they have the necessary support to sustain their tenancy
- All prospective tenants will be accompanied by a housing officer on viewing a property. The officer will advise the prospective tenant of his/her responsibility to behave with consideration towards neighbours
- At the time of signing the tenancy agreement the housing officer will go through the tenancy agreement with the tenant and emphasise the responsibilities of both landlord and tenant. The tenant will be given a copy of the tenancy agreement after signature
- All tenants will be given information setting out the landlord's approach to neighbour complaints and giving advice on remedies which tenants can pursue
- Following the receipt of a complaint the housing officer will keep the complainant informed of what action is being taken at all stages of the procedure. When a complaint has been made and, in the judgement of the housing officer concerned, Council Housing Services can take no further action, the complainant will always be told and given the reasons. The complainant will not be left with unrealistic expectations
- Complaints will be accepted verbally or in writing. Anonymous complaints will also be accepted for initial investigation in order to encourage people who would not otherwise lodge a complaint for fear of reprisals. The limitation of the use of anonymous complaint in taking action must be recognised

#### Responding to complaints through use of mediation services

Mediation is a way of resolving disputes between those who live in the same locality or neighbourhood. Disputes can cover a wide range of issues, including noise, anti-social behaviour, dogs, parking, boundary problems or verbal abuse. Wherever possible Council Housing Services will endeavour to help resolve a dispute through mediation. Mediation is a process whereby a neutral third party enables two or more parties in dispute to seek a mutually acceptable resolution to their difficulties without recourse to formal or legal procedures.

The mediation service provides help to people who are in dispute, to resolve their differences themselves rather than have a solution imposed on them by Council Housing Services or the courts. Mediation is usually only appropriate when both sides voluntarily chose it. It is not normally appropriate in cases that involve violence, harassment, or intimidation.

Key elements of a mediation service are that it is independent, impartial, confidential, and non-judgemental

Mediation is appropriate when both parties:

- Voluntarily choose it
- Are willing to be reasonable
- Are willing for the other side to be contacted
- Are able to communicate

Mediation is not appropriate when:

- One party is intent on punishing the other
- An imbalance of power exists which impedes honest exchange
- Either party fears, or is placed at risk of violence, racial or sexual harassment

Council Housing Services has an agreement in place with PANDA, (Preston Area Neighbourhood Dispute Action) to provide access to a mediation service.

#### Floating support/tenancy support

Through partnership with a number of agencies Council Housing Service can facilitate access floating support/tenancy support services.

A floating support/tenancy support service is of benefit to a range of tenants, such as tenants suffering from mental ill health and to tenants who may not have a formal diagnosis but whose level of life skills may leave them at risk of breaching their tenancy obligations, and losing their homes. It is a highly flexible and is designed around an individual's support needs.

The floating support/tenancy support service comprises three tiers:

- Intensive on arrival or start of service
- Medium level for longer term of chronic support requirement (existing tenants)
- Low level, prior to support being withdrawn.

Where floating support/tenancy support is provided a service plans to achieve an individual's independence will be drawn up by the support provider. These are then delivered over a period of time and reviewed regularly with the intention that while they might start at a relatively intensive level, they should reduce over time to the point when the tenant has achieved their independence and ability to sustain their tenancy without any additional support.

The Government's Supporting People programme funds the provision of these support services.

#### Acceptable Behaviour Contracts/Parental Responsibility Contracts

Council Housing Services and the Police have adopted the use of Acceptable Behaviour Contracts and Parental Responsibility Contracts.

- An Acceptable Behaviour Contract is an individual written agreement between a 10-18 year old, the local housing office and the police not to carry on with certain identifiable acts, which could be construed as anti social behaviour. Although targeted at this age group it can be used for over 18s – if they still live at home in council, rented or privately owned property with their parents. Although not legally binding the contract may be cited in Court at a later stage to provide evidence of attempts to amend behaviour
- A Parental Responsibility Contract is an individual written agreement similar to an Acceptable Behaviour Contract but is specifically aimed at children under the age of 10 years old. The parent or guardian signs the contract and they take responsibility for their children's conduct

These "contracts" fit into the overall strategy to tackle crime, anti-social behaviour, and neighbour nuisance and are part of the incremental approach that may lead to eviction of the parent(s), or guardian(s).

Council Housing Services will work with the Youth and Community Services and the Youth Offending Team on providing support for both victims and offenders.

#### Estate Management

The management of the estate of the environment and landscape is important in creating and maintaining, clean attractive and safe estates. The services that contribute to this are caretaking, cleaning, grounds maintenance, and the many other day to day tasks. Together they can have a marked impact on the quality of life and have a big influence on resident satisfaction.

Council Housing Services recognises that estate services and caretaking are fundamental aspects of the landlord's role which affect the quality of life on estates and residents' enjoyment of home and neighbourhood. If done well they help foster feelings of pride and ownership in a neighbourhood – when performed badly they can lead to a spiral of decline.

The Council as a landlord also has a number of legal duties that cover safety issues relating to the common parts of premises and the estates:

- Health and Safety at Work Act 1974
- Defective Premises Act 1972
- Occupiers Liability Act 1957

*Estate Inspection* - Council Housing Services carries out regular inspection of the estates and deals promptly with any identified issues. There are a number of ways this is undertaken.

- Estate walkabouts Council Housing Services will undertake estate inspections at least twice a year to identify issues, and problems including any risks and hazards on its estates. The aim is to produce a plan of action to deal with the issues, and review the actions taken on previously identified issues. Where there is a local tenant and resident group tenant representatives, housing staff, and ward councillors will be invited to walk the estate. A report on the walkabout will be presented to the tenants' and residents' group meeting.
- Estate crime prevention audits Council Housing Services will undertake joint audits with Police Crime Prevention staff of estates, and agree action plans.

Sharps removal - The presence of needles and syringes on the estates presents a serious hazard. Where needles and syringes are reported the Cleansing Service provides an immediate response to remove the hazard. The Cleansing Service monitor needle disposal to highlight hot spots and to enable proactive work to be undertaken to reduce the incidence of indiscriminate disposal of needles.

*Graffiti* - Council Housing Services aims to remove obscene, racist or offensive graffiti within one working day and all other graffiti at the earliest possible time. An order to remove graffiti will be placed with a contractor within one working day of it being reported.

Abandoned Vehicles - The Council has legal power to remove abandoned vehicles on council land. Currently housing staff will refer abandoned vehicles to the Cleansing Service. The management of the removal of abandoned vehicles is then carried out by the Cleansing Service.

*Dog Nuisance* - Dog Warden Service - this service is provided by the Council's Health and Strategic Housing Service. They respond to complaints regarding strays and patrol areas for stray dogs and contravention of the Bylaws. In addition dog wardens make educational visits to schools, organisations, etc. and promotional awareness campaigns are undertaken. Designation Order – under the Dogs (Fouling of Land) Act 1996 the Lancaster City Council (Fouling of Land by Dogs) Designation Order 1998 was established making it an offence not to clear up after one's dog on any land controlled by Lancaster City Council, Lancashire County Council and any Parish Council within the district, to which the public have access. The Council operates a Fixed Penalty Scheme, and any person who does not clean up after their dog on designated land can be issued with a Fixed Penalty Notice giving the option of paying a £25 fine within 14 days. This is an alternative to prosecution through the court system.

#### Designing out crime

Council Housing Services has long recognised that physical factors such as property design and estate layout have an impact on crime, anti-social behaviour, neighbour complaint and tenancy conduct.

Council Housing Services is committed to a Home Security Policy that set out target hardening guidelines for any future new build or refurbishment schemes covering:

- Design
- Lighting
- Fencing
- External doors
- Locks
- Windows
- Controlled access systems
- Publicity
- Consultation with Police Crime Prevention

Designing out crime includes work to individual properties and the infrastructure of an estate.

*Residential CCTV schemes -* Council Housing Services has introduced additional residential CCTV in targeted areas. Through an audit into action approach Council Housing Services will consider implementing further residential CCTV schemes.

*Controlled entry to flats -* Council Housing Services has installed entryphones to 98% of flats giving residents a great deal of control over who access the buildings. In addition we have installed security cameras in to all the lifts and entrances area to the three multi-storey blocks of flats. Through an audit into action approach Council Housing Services will consider implementing further measures.

#### Burglary and criminal damage reduction

Council Housing Services is runs a burglary victim support initiative with Police Crime Prevention Unit. All reports burglaries to Council owned dwellings reported to the Police are passed to Council Housing to follow up with addition victim support and target hardening measures. This scheme has been extended to cover criminal damage to Council owned dwellings.

#### Other preventative measures

Council Housing Services in response to its Section 17 of the 1998 Crime and Disorder Act responsibilities will engage in a range of initiatives to prevent anti-social behaviour.

*Neighbourhood Safety Plans* - Council Housing Services will work with residents and other agencies to maximise the impact of multi-agency working to tackle crime, anti-social behaviour, and neighbour nuisance on its estates particularly through the development and implementation of neighbourhood safety plans.

#### Enforcement

Council Housing Services will take enforcement action against anti-social behaviour which causes repeated misery and distress to its victims. Enforcement will only be successful as part of a multi agency approach that aims to impact on the underlying issues and problems that may be hindering a long-term change in behaviour.

**Tenancy agreements** - The Council's tenancy agreements contain clauses making it clear to tenants that anti-social behaviour or illegal activity (whether by the tenant, people who live with the tenant or visitors) is not acceptable and may lead to the loss of their home. The clauses in the tenancy agreements are fair and reasonable, and have been subject to consultation with tenants. These clause have been set out in the section of the document - **Obligations of tenants** 

Council Housing Services will ensure that their tenants are made aware of the importance of meeting the terms of their tenancy agreement and more generally the importance of fulfilling their responsibilities by not behaving in a way that is unlawful or damages the quality of life of others.

The Council recognises that the majority of tenants behave responsibly and abide by the terms of their tenancy agreements. However, when things go wrong and a tenant fails to meet the standards of reasonable behaviour established by their tenancy agreement, then Council Housing Services may seek to protect the rights of other tenants and the wider community by enforcing the terms of the tenancy.

The Council has a range of powers available to them to help enforce good behaviour. These include:

• Introductory tenancies

- Anti-social behaviour orders
- Injunctions
- Demotion
- Proceedings for possession

*Introductory tenancies* The Council established an introductory tenancy scheme in August 1997. The scheme applies to all new tenants, and lasts for 12 months, after which the tenancy becomes secure unless the local authority has repossessed the dwelling.

The eviction process for an introductory tenant is different to that for a secure local authority tenancy, in that no grounds for possession have to be made to the Court. A tenant has the right to an internal review of any decision to evict, and regulations published by the Government make provisions for how the review should be carried out.

**Anti-social behaviour orders** are civil orders made by a court which prohibit the perpetrator from specific anti-social acts and from entering defined areas on a map (exclusion zones). An order lasts for a minimum of two years. The purpose of an ASBO is to protect the public from behaviour that causes, or is likely to cause, harassment or alarm or distress.

There are four types of anti-social behaviour orders:

- A **stand-alone order**, unrelated to other legal proceedings. These are made by the magistrates' court, acting in its civil capacity.
- An **interim order**, which can be made by the magistrates' court and by the county court at an initial court hearing in advance of a full hearing of an application for an ASBO. These interim orders can be made without notice to the defendant. They enable the court to order an immediate stop to the anti-social behaviour and so protect the public more quickly.
- A **county court order** can be obtained where there are other proceedings against a defendant, e.g. possession of tenancy.
- An order made on conviction in criminal proceedings. Criminal courts, namely the magistrates' court, the crown court and the youth court, can make an order against an individual who has been convicted of a criminal offence.

*Injunctions* are civil orders obtained from the county court. An injunction prohibits the person concerned from engaging in the behaviour detailed in the injunction. Injunctions can be used prevent a range of anti-social behaviour relating to housing and the wider neighbourhood, for example, using a property for drug dealing, playing loud music at night, barking dogs, verbal abuse and vandalism.

Some injunctions can exclude the person from specified places or areas. The court may grant an injunction for a specified period as it sees fit, or may decide that the injunction will apply until the injunction is varied or discharged. This can mean that an injunction can be in force for the lifetime of the person of the person who it is obtained against. Breach of the conditions of an injunction can result in up to two years' imprisonment and/or an unlimited fine for contempt of court.

Anyone lawfully engaged in an activity in the neighbourhood, including anyone residing in the area, even if their accommodation is not owned or managed by the landlord, may be protected by an injunction so long as there is a sufficient link to the Council's housing management functions. For example, where a tenant of the Council has harassed his owner-occupier neighbour.

The anti-social behaviour does not have to occur in or near the Council's properties to be covered (so long as there is some link with the landlord's housing management function). For example, housing staff may be protected even when they are working away from the locality, and even when they are not at work (where the anti-social behaviour has some link with their work).

A power of arrest or an exclusion order is available where there has been serious anti-social behaviour but no violence or threat of violence. A power of arrest or an exclusion order is available where there is a significant risk of harm - this could include emotional or psychological harm.

**Demotion** The Council can apply to the County Court to allow a secure tenancy to be brought to an end by a demotion order, the existing tenancy is replaced with a demoted tenancy. The Court may only make an order if the tenant, another resident of or visitor to the tenant's home behaved or threatened to behave in a way which is capable of causing nuisance or annoyance or includes using the premises for unlawful purposes. The Court must be satisfied that it is reasonable to make an order.

The Demotion Order gives a serious warning to the tenant, since if they continue to misbehave swift action can be taken to end their tenancy. It also removes a number of their tenancy rights, thereby acting as a positive incentive to the tenant to change their behaviour: if they stop causing problems, they can regain a higher level of security and rights. The scheme provides a clear linkage between the enjoyment of the benefits and rights of security, and responsible behaviour.

**Proceedings for possession** The majority of tenants behave responsibly and abide by the terms of their tenancy agreements However, when things go wrong and a tenant fails to meet the standards of reasonable behaviour established by their tenancy agreement, then the Council may seek to protect the rights of other tenants and the wider community by enforcing the terms of the tenancy. Seeking repossession of someone's home is a serious action and therefore where possession is sought on the basis of the anti-social behaviour of tenants the court must be satisfied, on the basis of the evidence, that it is reasonable to do so.

Nuisance and annoyance to neighbours applies to behaviour within the locality of the tenant's property (for example in communal areas and walkways) and covers behaviour by visitors to the property, who may not be tenants themselves. The Council can seek eviction of a nuisance tenant for behaviour which is "likely to cause" a nuisance or annoyance, so that the landlord does not have to call the victim of the behaviour to give evidence against the person causing the problem. The Council may seek eviction where a tenant, a lodger, or a visitor has been convicted of an arrestable offence (for example, drug dealing) in the location of the dwelling.

**Criminal sanctions** Although the Council may not have the relevant power to take action itself, it will – as the landlord – will liaise with the Police to ensure that appropriate action is pursued against an alleged offender, under the legislation as appropriate.

# Rehabilitation of perpetrators and support for vulnerable groups

Council Housing Services recognises that the most successful interventions are those that engage the individual in changing their own behaviour. By ensuring that individuals understand the impact of their behaviour on the community whilst offering the necessary support for them to stop, it is possible to achieve long-term change.

To achieve this Council Housing Services will look at facilitating access to support services, and intervention by specialist agencies. The provision of support services is particularly relevant where considering issues of anti-social behaviour that are a consequence directly or indirectly of one or more of the following factors:

- Drug use
- Alcohol use
- Mental health
- Disability

Specialist agencies include, but are not limited to, the community health team, drugs action team, floating/tenancy support service providers and community based organisations such as drug and alcohol support and mental health services.

Juvenile perpetrators often experience problems with their family and school. Council Housing Services will try to ascertain the causes of the juvenile's antisocial behaviour and consider involving their parents/guardians, if appropriate, and possibly obtaining information from their school or other appropriate agencies, for example, Youth Offending Teams.

Council Housing Services will refer appropriate cases to ensure that the local social services department carry out an assessment pursuant to s17 of the Children Act 1989 to identify whether a child is a 'child in need' necessitating the provision of services to that child and/or his/her family to meet those needs. This assessment should normally be carried out before any specific enforcement action is taken against the young person (e.g. an application for an Anti-social Behaviour Order).

Council Housing Services will use acceptable behaviour contracts and parental responsibility contracts with juvenile perpetrators, as they can be particularly effective.

Whilst Council Housing Services will consider addressing anti-social behaviour by tackling the underlying problems of individuals or households, Council Housing Services does not expect complainants and witnesses to suffer nuisance, disorder, damage and harassment month after month, and will take any necessary enforcement action.

#### Multi-agency partnerships

Council Housing Services is committed to working with local multi-agency partnerships working with residents and local agencies such as the police, neighbourhood wardens, youth offending teams, schools, health services, drug action teams, social services and probation services particularly through the Lancaster District Community Safety Partnership.

A fully co-ordinated approach is essential if tackling anti-social behaviour is to be effective. Tackling and preventing ant-social behaviour depends on all agencies accepting that promoting safe and orderly neighbourhoods is a priority and working together to agree a response to neighbourhood issues.

Council Housing Services is represented on a number of multi-agency groups including:

- The Community Safety Partnership Action Teams
- The Drugs and Alcohol Task Group

On the ground this means partnership and collaborative working within a case working framework. Council Housing Service is committed to and will promote case working.

Case working has a number of benefits. It can:

- Increase the speed of information gathering
- Improve background information on the issue being looked at

- Help to ensure that action plans are tailored to the circumstances
- Improve monitoring of the action plans
- Enhance the effectiveness of action through a better understanding of an issue, joint training and planning
- Utilise a variety of expertise to take action early in a situation
- Reduce reoccurrences of the issue

Where appropriate Council Housing Services will take on the lead role with responsibility for the ownership, direction and management of the issue (Casework Coordinator), and establishing a casework group.

- A multi-agency approach will be adopted so that all agencies that could hold information on the issue in question are involved in the process at an early stage.
- Casework meetings will be action oriented and outcome focused, the primary objective being to identify and implement appropriate measures to tackle the issue in question
- Casework meetings will be held within two weeks of the identification of an issue
- In the majority of instances a single meeting will be sufficient to establish the action plan, inclusive of monitoring and review arrangements and a publicity strategy, where relevant
- The action points of each casework meeting will be recorded by the Casework Coordinator

# Data protection and information exchange

Tackling anti-social behaviour requires robust information exchange between agencies.

**Data Protection Act 1998** (Section 29) allows for the exchange of information where it is for the purposes of the prevention or detection of crime, apprehension or prosecution of offenders and where failure to disclose would be likely to prejudice those objectives.

**Crime and Disorder Act 1998** (Section 115) allows for the exchange of information where the disclosure is necessary or expedient for the purposes of any provision of the Crime and Disorder Act 1998, or amendments to that legislation.

**Human Rights Act 1998** may impact on information sharing, in particular Article 8 which states that everyone has the right to respect for his private and family life, his home and his correspondence. This right is not absolute interference can be justified in the interests of the prevention of disorder or crime.

**Regulation of Investigatory Powers Act 2000** There will be occasions when housing officers will need to consider the use of surveillance as part of their investigations into a case. Surveillance is covered by the Regulation of Investigatory Powers Act 2000 and ensures that the use of surveillance does not conflict with the Human Rights Act.

Information will be shared with confidence and within the framework of existing legislation with members of the Lancaster District Community Safety Partnership through the:

- Protocol for Information Exchange Crime and Disorder Act 1998
- Protocol for the use of Anti-social Behaviour Orders

There are two main categories of information that Council Housing Services may need to share or exchange.

**De-personalised information** is that which does not specifically identify an individual. There are a number of occasions where the Lancaster District Community Safety Partnership and other partnerships require de-personalised information. These include obtaining the information required for the Crime and Disorder Audit, hotspot mapping and trends analysis regarding crime and disorder rates.

**Personalised information** is that which identifies a specific individual or individuals. There are a number of circumstances where the obtaining of personalised information by Council Housing Services is necessary:

- Pre-crime and anti-social behaviour to target early interventions at the people that need them
- Post-crime and anti-social behaviour to enable enforcement action to be taken
- Young people specific, e.g. child protection, Youth Inclusion and Support Panels, Youth Inclusion Programmes
- Housing needs, for example to establish homeless status or to house those with specific circumstances, such as sex offenders, in the most appropriate accommodation
- Employment status via the Criminal Records Bureau

# Sharing information with tenants and the wider community

When action has been taken to tackle anti-social behaviour it is extremely important to provide feedback to the victims and witnesses.

**Pre-court action** - where Council Housing Services has taken action that is not court action (such as a warning or agreement), Council Housing Services will tell the victim or witnesses to ensure that the victim is aware that there has been any attempt to address the problem. It would not, however, normally be appropriate to discuss the detailed terms of the warning or agreement with the victim or witnesses.

It is also important to inform the wider community about work that has been undertaken to give warnings to perpetrators of anti-social behaviour. Although it would not be appropriate or necessary to identify those involved, Council Housing Services will take steps to communicate the message that action has been taken.

**Court action** - when court action has been taken against an adult, or against a juvenile in a civil court, reporting restrictions do not normally apply. Victims and witnesses are able to attend court and hear the results of the verdict. The court may impose reporting restrictions in special circumstances but unless this has been done Council Housing Services will report the court action to the wider community.

# Confidentiality

Council Housing Services will seek complainants' and witnesses' permission prior to the disclosure of information to the perpetrator, legal representatives or other interested parties.

Council Housing Services will ask complainants and witnesses if any other organisations have been informed and, if so, the name, if possible, of the person providing help, whether the police have been informed and, if so, which station and which officer is handling the case. If the police have not been informed, the complainant or witness will be asked if they wish the police to become involved. If they do not, then the complainants' and witnesses' wishes will be respected.

Complainants and witnesses may wish the Council to take no action against the perpetrators, even when known, and the complainants' and witnesses' wishes will be respected. The complainants' and witnesses' wishes and security will be at the centre of any decisions taken.

A perpetrator will only be interviewed with the consent and prior knowledge of the complainants and witnesses. This must be observed due to possible risks or repercussions to the reporters. There may also be occasions when the perpetrator will not be interviewed.

# Cross-tenure issues

Council Housing Services contribute to cross-tenure approaches to addressing anti-social behaviour through the Lancaster District Community Safety Partnership, and by sharing information with other agencies in accordance with agreed information exchange protocols.

Council Housing Services may act to protect owner-occupiers or those in other tenures from the actions of tenants, and equally, may take action against people in other tenures to protect their tenants.

# Protection of staff

The Council is not prepared to tolerate:

- Verbal or physical harassment of its employees, including racial and sexual harassment;
- Physical assault upon employees by clients or other members of the public, either during or outside working hours, which are a result of their employment by the Council;
- Attacks on, or damage to, the property of employees of the Council which result from their employment;
- Harassment of any employee by a colleague or other person.

The Council's tenancy agreement states that tenants are responsible for the behaviour of every person (including children) living in or visiting their home. Tenants are responsible for them in their home, on surrounding land, in communal areas (stairs, lifts, landings, entrance halls, paving, shared gardens, parking areas) and in the neighbourhood around your home.

Tenants or persons living in or visiting their home, must not at any time subject City Council employees, agents, contractors or Councillors in the course of their duty, to any physical or verbal abuse. Examples of physical abuse includes any actual or threatened assault, attack, violent act, or aggression and verbal abuse includes any unreasonable and/or unlawful verbal attack which causes or is likely to cause alarm, distress or intimidate.

All staff are encouraged to report incidents of aggression and violence; including verbal abuse and threats.

Examples of the legal remedies the Council may use for anti-social behaviour against members of staff are:

Breach of tenancy agreement leading to court action to end the tenancy

**Anti-Social Behaviour Orders** An anti-social behaviour order can be sought by the local authority or chief officer of police and can be made in respect of anyone aged 10 or over who has acted in an anti social manner (a manner which caused or is likely to cause harassment, alarm or distress) and an ASBO is necessary to protect others in the same area from repetition of similar behaviour. The order can prohibit the defendant from doing anything described in the order provided those prohibitions are necessary to protect others from anti social behaviour.

**Protection from Harassment Act** This action can be taken either through criminal prosecution or a private action for damages in the Civil Courts. It can be done on behalf of an individual, or a group. The sanctions include both criminal penalties (fines, imprisonment, or community sentences) and a restraining order, which is a flexible order which prohibits the offender from continuing their offending behaviour. For example, it could prevent a person from coming within a certain distance of the housing office/estate, or from making phone calls to the housing office or a member of staff's home. The restraining order can last for as long as the Court thinks appropriate.

**Injunctions** These can be granted by a court to ban somebody from Council premises or a specified location.

**Section 222 Local Government Act 1972** The Council to prosecute or defend proceedings where it is considered expedient for promoting or protecting the interests of those living in its area.

**Non statutory remedies** Aside from the legal remedies, there are other strategies that can help in preventing conflicts or stopping them escalating. These include mediation and conflict resolution. Council Housing Services will also use non-statutory Acceptable Behaviour Contracts in appropriate cases. These require the agreement of the person to an acceptable level of behaviour.

**Criminal sanctions** Although the Council may not have the relevant power to take action itself, it will – as the employer – provide staff with full support in ensuring that action will be pursued against an alleged offender, under the legislation as appropriate. For example:

- If a person destroys or damages property belonging to the Council, or to a member of staff, he or she can be prosecuted for causing criminal damage.
- Where a member of staff is assaulted by a person and minor injury is caused, the person may be charged with common assault.
- A person can be charged with assault occasioning actual bodily harm where more serious injury is caused to a member of staff (such as broken teeth, extensive bruising or cuts requiring medical treatment).
- Where a person commits a public order offence, one incident alone is sufficient to constitute a public order offence e.g. where a person causes a disturbance and causes alarm, harassment or distress, where there is a fear or provocation of violence, when a person uses or threatens unlawful violence such as would cause a reasonable person to fear for his safety; the threat cannot be made by the use of words alone.

# Training of staff to deal with anti-social behaviour

In tackling anti-social behaviour it is important that staff have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour and are equipped to take appropriate action.

In promoting specific opportunities in training staff to deal with anti-social behaviour Council Housing Services are members of the Social Landlord's Crime and Nuisance Group, a national organisation that promotes best practice.

Council Housing Services will actively promote staff participation in the TOGETHER Academy that brings together practitioners to provide advice and training on specific issues. This initiative has been established by the Government Anti-Social Behaviour Unit. It was set up to add value to the existing measures to tackle anti-social behaviour and drive forward new policy, practice and action.

The Council's Employee Development & Performance Appraisal scheme provides the opportunity for individual/team development and is key in helping to achieve the Council's objectives.

The overall aim of the Employee Development & Performance Appraisal is:

"To ensure that every employee has an annual discussion with their supervisor/line manager about how their job contributes to Corporate and Service objectives and to produce a development action plan to help meet any training needs the employee might have in order to achieve them." Every member of staff takes part in the Employee Development & Performance Appraisal process.

# Information on other relevant policies

Council Housing Services endeavours to take into account "unacceptable behaviour" in allocating its property. The Council will deem housing applicants ineligible for rehousing if the applicant, or member of their household, has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of the Council. Unacceptable behaviour is defined as behaviour which, if the applicant, or member of their household, were a secure tenant of the Council, would entitle the Council to a possession order.

Unacceptable behaviour includes:

- Where there is evidence that the applicant, or member of their household, has committed serious breaches of tenancy, or who has caused annoyance or nuisance to other residents in the locality of their home.
- Where an applicant or member of their household, has unspent convictions for criminal behaviour\* committed within the locality of their home.

\*criminal behaviour will include drug dealing, violent assault, racial harassment, sexual harassment or assaults, burglary of dwellings and damage to property.

This allocations policy does not override any statutory right for housing.

# Further Information and help

If you wish to discuss any anti-social behaviour you are experiencing on your estate or in your neighbourhood please contact your Estate Manager.

Anti-social behaviour, racial harassment, hate crimes and domestic violence will not be tolerated.

Notes:

# **Council Housing Services**

38 Cable Street LANCASTER LA1 1HH



Office hours are 9.00 am to 5.00 pm weekdays (10.00 am to 5.00 pm Wednesdays)

If there is an emergency, ring the Council's Central Control Centre, which is open 24 hours a day, 365 days a year.

The number to call is:



Calls may be recorded to help improve our standard of service and accuracy of information

Any queries or comments about this document please contact:

David Watmough Neighbourhood Housing Officer Lancaster City Council Council Housing Services 38 Cable Street Lancaster LA1 1HH Telephone: (01524) 586892 Fax: (01524) 33693 E-mail:dwatmough@lancaster.gov.uk

This information can be made available in large print, braille, audio and other languages. For further details please contact us on (01524) 582929.

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