

ANTI-SOCIAL BEHAVIOUR

Summary of 'Statement of Anti-social
Behaviour Policy and Procedures'

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Contents

Summary of “Statement of Policy and Procedures”	3
Summary	4
Tackling anti-social behaviour.....	4
Introduction.....	4
What is anti-social behaviour?	4
What we will do.....	5
Our service standards for dealing with anti-social behaviour.....	6
Reporting anti-social behaviour.....	6
Partnership working	6
Initial investigation	7
Mediation and restorative face-to-face meeting	7
Confidentiality	7
Interviewing the other party.....	7
Keeping victims and the community updated.....	8
Closing the case	8
Your responsibilities.....	8
Enforcement	9

Summary of “Statement of Policy and Procedures”

This document supports Lancaster Council’s Corporate Plan and fulfils the Council’s requirements, relating to Section 218A of the Housing Act 1996, as a registered housing provider to prepare and publish policies and procedures in relation to anti-social behaviour.

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').

Summary

Tackling anti-social behaviour

Introduction

The following is a summary of our 'Statement of Anti-social Behaviour Policy and Procedure' which sets out how we tackle anti-social behaviour. It applies to Lancaster City Council Homes or any person affected by the behaviour of those residents.

For many of our residents anti-social behaviour is one of the most important issues affecting the enjoyment of their home and surroundings. We have a team of Managers and Officers who will help you if you experience anti-social behaviour. We aim to deal with anti-social behaviour thoroughly and effectively for all our residents, regardless of race, colour, ethnic origin, sexuality, gender, age, religion or nationality.

What is anti-social behaviour?

Anti-social behaviour (ASB) is defined as "conduct that has caused, or is likely to cause, harassment, alarm or distress to any person". This is the generally accepted term.

ASB is further defined under certain circumstances, as follows:

- For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: "conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises";
- For the purposes of the housing management functions of a housing provider or local authority: "conduct capable of causing housing-related nuisance or annoyance to any person"
- For the purposes of ASB case reviews (the "Community Trigger"): "behaviour causing harassment, alarm or distress to members or any member of the public".

A list of examples includes:

- Noise nuisance (e.g., loud parties, shouting, noise from TVs, radios, hi-fi'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 incidents 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.

If the incident you are reporting relates to Domestic Noise then we would not consider that to be anti-social behaviour. This includes such issues as:

- Banging doors
- Footsteps from adjoining properties and/or communal areas
- Noise of children running or playing
- Loud talking from adjoining properties and/or communal areas
- Low level noise from TVs, radios or music
- Noise from washing machines, vacuum cleaners or other domestic appliances
- One off parties or festival/events — such as bonfire night
- DIY at reasonable hours
- Running up and down stairs.

We will assist you to resolve disputes with your neighbours. We will only take formal action if we are satisfied that evidence can demonstrate that an individual or individuals have acted in an anti-social manner. If appropriate we will offer those involved in a dispute the opportunity of a face-to-face restorative meeting or mediation to resolve issues.

What we will do

We will:

- Demonstrate leadership, commitment and accountability on preventing and tackling anti-social behaviour that reflects a shared understanding of responsibilities with other agencies.
- Investigate all reports of anti-social behaviour whether those responsible are residents, homeowners, their families, friends or visitors to intervene swiftly and take appropriate and decisive action before the anti-social behaviour escalates.
- Maintain regular contact with witnesses to keep them up to date with the action we are taking and provide tailored support to witnesses as necessary.
- Record and monitor incidents of anti-social behaviour.
- Encourage tolerance by trying to balance the needs of individuals with those of their neighbours (activities that result from different lifestyles, or which most people would think reasonable, are not anti-social behaviour).
- Encourage and support neighbours to try and resolve their problems by taking part in a face-to-face restorative meeting/mediation.
- Implement, strengthen and support preventative measures tailored towards the needs of residents and their families.
- When appropriate, publicise outcomes of action we take to act as a deterrent to others and to increase the confidence of residents in our service.
- Work to ensure that our anti-social behaviour service is accessible and useful to every individual. We will ensure that information and guidance is accessible to all groups and be aware and sensitive to the issues that residents may experience in reporting anti-social behaviour and for example, provide for interpreters.
- Set staff clear and challenging targets for improving performance and continually review the way we manage anti-social behaviour.
- Ensure our staff are properly trained and understand our policy and procedure.

Our service standards for dealing with anti-social behaviour

Our main aim is to respond to anti-social behaviour cases promptly and professionally.

We will:

- When a case is first reported, contact the person who reported an incident within one working day if the anti-social behaviour reported involves the use or threat of use of violence or hate crime.
- For all other cases, try to contact the person who reported an incident within three working days of the case being first reported.

Once a case is open, we will:

- Keep the person who reported the incident updated on the progress of the case in the way we agreed with him/her.
- Write to a witness when a case is closed.
- Conduct a telephone customer satisfaction survey of complaints that have engaged with the service.
- Our Customer Service staff will give practical advice and report the incident to the appropriate Officer the next working day.

Reporting anti-social behaviour

You can report an incident of anti-social behaviour to us by calling our Customer Services on 01524 582727 or by email to councilhousing@lancaster.gov.uk

A report can also be made at Lancaster Town Hall or Morecambe Town Hall. When you report anti-social behaviour to us, our officers will respond in accordance with our service standards.

The case will be logged onto our case management recording system, and a letter will be sent to you confirming the name and contact details of the officer who will be managing the case.

Partnership working

We will seek to work in partnership with other agencies at a strategic and an operational/neighbourhood level to resolve anti-social behaviour. This includes such agencies as the Police and social services. We will only share information in accordance with the regulations governing data protection. We will support and work with local agencies in delivering the Community Trigger. The Community Trigger gives victims and communities the right to request a review of their case and bring agencies together to take a joined up and problem-solving approach to find a solution. We will play a full part in finding a solution and consider any recommendations made.

Initial investigation

Most reports of anti-social behaviour are dealt with quickly without us having to consider legal action. Except in serious cases, where urgent action might be needed as quickly as possible, we use a step-by-step approach to dealing with anti-social behaviour.

We will ask you what has happened and try to get a full picture of events. We will need to know who was involved and how the incident has affected you. What we do next will depend on the type of case and the information we are given.

If the case does not involve threats, violence or serious harassment, we will suggest that you talk to the person causing the problem about the anti-social behaviour explaining the effect it is having on you. We will advise you to do this in a polite and reasonable manner.

Mediation and restorative face-to-face meeting

If you do not feel comfortable approaching the person who caused the problem yourself we will be happy to try and arrange a restorative face to face meeting. This is a form of mediation which does not dwell on the past but concentrates on how an understanding can be reached so that your lives can be better in the future. We have Housing Officers within the Council are trained to provide restorative face to face meetings so this can be arranged quickly to stop problems escalating.

If a dispute involves allegations and counter allegations and as a result we are unable to establish any facts our only option will be to offer you a restorative face-to-face meeting. If you would prefer independent mediation we can arrange this too. If either party declines a face-to-face restorative meeting or independent mediation we are unlikely to be able to do anything further to help.

Confidentiality

If you report anti-social behaviour and wish to remain anonymous it may be that limited or no action can be taken. As a rule we will inform the other party of the identity of the individual/s who have reported an incident and why they have involved the Council. We will always get your permission before doing so.

Interviewing the other party

In many cases we will need to speak to the person causing the nuisance usually at his/her home. He/she may admit that they have acted in an anti-social manner and they will be given a warning about their behaviour. He/she might have been unaware of this until we speak to him/her as the nuisance might not have been caused deliberately. In this case advice will be given. If the other party does not admit to doing anything wrong and continues to cause nuisance it is likely that we will need more evidence and we would need you to complete an incident diary to record the incidents that you see or hear. We will advise how this form should be completed. If you have difficulty in completing the incident diaries we will suggest other ways of recording the nuisance. We might also need to collect other evidence such as photographs, video or tape recordings of the incidents as they happen. We may also need to speak to other people who have witnessed the incidents. We have a range of powers at our disposal to deal with anti-social behaviour and we will make use of

these appropriately by using the action that is reasonable, proportionate and most likely to produce an effective solution. In the most serious cases enforcement action may be taken.

Keeping victims and the community updated

Victims and witnesses may be informed of the action we have taken to tackle anti-social behaviour when it is appropriate and justified to do so. We may also inform the wider community, again when it is appropriate and justified and, with authorisation from an appropriate manager. When updating victims or the community we will abide by legislation, data protection regulations and Court reporting restrictions.

Closing the case

We will close an anti-social behaviour case when:

- We believe we have resolved the problem or the problem has stopped
- We think that there is no case to investigate
- We believe the evidence does not warrant action
- The witness does not respond to us further to reporting an incident.
- Should there be no further report for a period of 6 months then the case will be considered closed, and all the appropriate parties advised

We will record why the case has been closed and will write to tell you that we have closed the case and contact you to conduct a survey so that you can give us your opinion about how we handled the case.

Your responsibilities

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.

- You are responsible for the behaviour of every person (including children) living in or visiting your home. You are responsible for them in your home, on surrounding land, in communal areas (stairs, lifts, landings, entrance halls, paving, shared gardens, parking areas) and in the locality around your home.
- You or anyone else living with you or visiting your home must not cause a nuisance, annoyance or disturbance to any other person. Examples of nuisance, annoyance or disturbance include: loud music; persistent shouting, persistent arguing and door slamming; dog barking and fouling; offensive behaviour; rubbish dumping; playing ball games close to someone else's property.
- You or anyone else living with you or visiting your home must not harass any other person. Examples of harassment include: racist behaviour or language; using or threatening to use violence; using abusive or insulting words or behaviour; damaging or threatening to damage another person's 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.

- You or anyone else living with you or visiting your home must not inflict or threaten violence against any other person in the household. You, and they, must not harass or use mental, emotional or sexual abuse to make anyone who lives in the household leave the home.
- You or anyone else living with you or visiting your home must not inflict or threaten domestic violence. Domestic violence can be considered grounds for eviction. Evidence of domestic violence for eviction purposes does not need to rely on a criminal charge.
- You or anyone else living with you or visiting your home must not use your home, any communal area or locality for any illegal activity such as selling drugs.
- You or anyone else living with you or visiting your home must not at any time subject Council employees, agents, contractors or Councillors in the course of their duty, to any physical or verbal abuse. Examples of physical abuse include any actual or threatened assault, attack, violent act, or aggression. Examples of verbal abuse include any unreasonable and/or unlawful verbal attack which causes or is likely to cause alarm, distress or intimidate.
- You or anyone else living with you or visiting your home must not run a business from your home without the Council's agreement in writing. We will not normally refuse permission unless the business would cause a nuisance or might damage the property. (You may also need planning and building regulation approval)
- You or anyone else living with you or visiting your home must not damage, deface or put graffiti on Council property or any property in the locality. You may be charged for the cost of removal of the graffiti, or for any repair or replacement necessary.
- You must co-operate with the Council and your 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 Council decides is unsuitable for their home
- You or anyone else living with you or visiting your home must not park a vehicle anywhere on your property except on a driveway or paved area intended for parking. You must not park a commercial vehicle, caravan or motor home on the garden, driveway, paved area around your home or on any communal parking areas without the Council's agreement in writing. You and your visitors must not park anywhere that would obstruct emergency services.

These are just some examples of causes within the Council's tenancy agreement.

Enforcement

We will warn those responsible for anti-social behaviour about their behaviour and ask them to stop it immediately and in the vast majority of cases we do not need to take enforcement action. When enforcement action becomes necessary we will use the appropriate tool available to us. There are a range of legal powers for tackling anti-social behaviour some of which we can use on our own, primarily through the County Court. Enforcement measures we most frequently use are:

Civil Injunction Order

Injunctions are orders which are made at the Court's discretion. They can be granted against an individual aged 10 or over requiring them to stop their antisocial behaviour or require them to do a specified action, a positive requirement. If we seek an order against an individual under 18 years of age we will consult with the youth offending service prior to commencing legal action. If a person disobeys an Injunction Order, they could be fined or sent to prison. We can seek an Injunction against anyone living in or visiting our estates, even if they are not our tenants.

Community Protection Notices

These notice can be used for a wide range of behaviour from littering to noise nuisance or graffiti. It is intended to address the behaviour of persons aged 16 or over, business's or organisations where

the committing of anti-social behaviour is spoiling the community's quality of life. Before a Community Protection Notice is served the recipient must be warned about the issues of anti-social behaviour being raised and that if it is not corrected, further action may take place

Possession Order

As the Landlord, we can ask the County Court for an Order for Possession of a property if a customer or members of his/her family or friends are behaving anti- socially or causing harassment. We will exhaust all alternatives and remedies available to us to address the anti-social behaviour and its causes before resorting to possession proceedings and asking the Court for an eviction. An absolute Ground for Possession is available to a landlord where a tenant, a member of a tenant's household, or a person visiting the property has met one of the following conditions:

- Convicted of a serious offence
- Found by a court to have breached a civil injunction;
- Convicted for breaching a criminal behaviour order
- Convicted for breaching a noise abatement notice
- The tenant's property has been subject to a closure order for anti-social behaviour.

We will consider using this ground in appropriate circumstances and with approval from the appropriate senior manager.

Other actions

Other actions could include:

- Demotion orders
- Family intervention tenancies
- Acceptable behaviour contracts
- Parental responsibility contracts
- Public spaces protection orders
- Criminal sanctions

Community trigger

If you have been a victim of anti-social behaviour you may be able to use the community trigger to request a review of your case.

If you have been dissatisfied with the outcome of a case, and the case meets our threshold agencies including councils, police, local health teams and registered providers of social housing have a duty to undertake a review of how they have dealt with it.

The community trigger can be used by any victim of anti-social behaviour or by any person acting on their behalf, for example a family member, friend, carer, councillor, MP or other professional person.

This is intended to ensure that all victims are able to use the community trigger. However, the victim's consent should be sought by the person using the community trigger on their behalf.

The community trigger should not be used to complain about a single organisation. If your complaint is about an individual organisation you are advised to follow their complaints procedure.

To meet the requirements of the community trigger threshold, one of the following criteria must be met:

- 3 or more complaints in the last 6 months from one individual about the same problem, or
- 5 individuals complaining about the same or similar incidents in the last 6 months, or
- 1 incident motivated by hate in the last 6 months from one individual

You can:

- Fill in the community trigger online form at <https://www.lancaster.gov.uk/community/community-trigger>
- Telephone the Community Safety Team on: 01524 582000
- Email: communitysafetyteam@lancaster.gov.uk
- Write to: Community Safety, Lancaster City Council, Town Hall, Dalton Square, Lancaster, LA1 1PJ

You will need to provide details of each time you've complained, who you've complained to (name, organisation and/or incident reference number) and information about the anti-social behaviour.