



LANCASTER CITY COUNCIL  
*Promoting City, Coast & Countryside*

ASB

Council Housing Services

# Tackling anti-social behaviour

**A summary of policies  
and procedures**

## **Tackling anti-social behaviour**

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

[www.lancaster.gov.uk](http://www.lancaster.gov.uk)

# TACKLING ANTI-SOCIAL BEHAVIOUR

The Housing Act 1996, as amended, requires the Council, as a landlord, to publish a statement of its policies and procedures with regard to anti-social behaviour.

This guide gives a summary of the Council's policies and procedures and the way in which the Council will tackle anti-social behaviour in its capacity of landlord.

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

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

## What is 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, 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 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.

## How will we tackle anti-social behaviour?

The Council has a comprehensive approach to tackling anti-social behaviour including:

- **Prevention:** working together with tenants and residents and other agencies, and taking steps 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:** making full use of current powers available under the Housing Act 1996, the Crime and Disorder Act 1998, and the Anti-social Behaviour Act 2003
- **Rehabilitation:** working with perpetrators and offenders to try to break the cycle of repeated crime, anti social behaviour and neighbour nuisance

## Working together

Council Housing Services, as the Council's landlord service, will work with other agencies, voluntary groups, and residents to ensure that both individual cases and long term anti-social behaviour issues are addressed.

## Levels of anti-social behaviour

It is important to be tolerant of other people's lifestyles and make an effort to get on with neighbours. Behaviour that results from different lifestyles, or which would be considered reasonable by most people, is unlikely to be anti-social behaviour.

The response to any report of anti-social behaviour will depend on how severe the problem is.

Examples of behaviour that would not normally be considered to be anti-social behaviour include:

- Children playing
- Occasional 'one off' parties/noise/disturbance (although they may still be a statutory nuisance for which action can be taken)
- Day-to-day normal domestic activity

The Council will categorise complaints of anti-social behaviour in order to provide the right level of response and support:

**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.

**"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.

**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.

**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.

## **What are a tenant's obligations?**

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

**A copy of the Council's tenancy agreement is available on request.**

## How will we respond to individual reports?

In response to individual reports of anti-social behaviour:

- Every report will be 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
- We 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

## Who should I contact when I have a problem?

Any person can make a complaint of anti-social behaviour or neighbour nuisance to the Council. Complaints can be made in writing, in person, over the phone, via e-mail or through a third party. Any criminal behaviour should first be reported to the Police as the lead agency on criminal matters.

All reports of anti-social behaviour made to Council Housing Services are managed by the tenancy and estate management team. Every estate has an Estate Manager who is your point of contact with Council Housing Services.

Often people are unaware that they are causing a problem in the first place and will immediately stop their behaviour once they have been made aware that it is causing alarm, distress or nuisance. Where it is possible and safe to do so it may be possible for you try to resolve the situations yourself and we suggest the following as ways in which you might do this.

Before approaching the person concerned you should think about what you are going to say:

- Be clear about what the problem is and how it affects you
- Think about what the outcome is likely to be and stay calm and friendly. Being aggressive won't help
- Listen to their views and think about things from their view point
- Try not to bring up incidents from the past especially if they are not relevant to the present dispute. Try instead to look to the future and how you want things to change.
- If the person is unreasonable – leave the discussion
- Use a neutral mediator such as PANDA

**Please ask for our leaflet - Mediation**

## Experiencing anti-social behaviour?

### We can help

Does the anti-social behaviour include someone being violent or threatening you with violence, damaging or threatening to damage your property, or being racially abusive?

If **YES**: please phone the police on 999 now. During normal office hours also phone Council Housing Services on 01524 582929.

If **NO**: phone Council Housing Services on 01524 582929.

Ask to speak to your Estate Manager.

### The first step

We will contact you quickly to confirm that we're looking into the case. We can sort out obvious problems fairly easily. For example if you tell us about a rubbish-filled garden we simply go round and check. We will tell the other person to clean it up, and take action against them for breaking their tenancy agreement if they don't. But most cases are not quite so simple. If the anti-social behaviour is less obvious or if it's aimed directly at you - harassment and abuse for example - we'll need to talk to you before we start an investigation.

### Action plan

We can meet you at your home, in the housing office or somewhere else. In serious cases we want to meet you within 24 hours. We will ask you who is affected, how they're affected, where it happens, and when it happens. We will speak to other people in your household who have been affected too. We will then draw up an action plan listing what you should do and what we will do to get the problem sorted out. The case is now a partnership - we are working for you, but you must help us by keeping to your side of the action plan.



### **Talking it through**

If the case does not involve threats, violence or harassment, the plan could include talking the problem through with the other person. Sometimes a neighbour just needs reminding that their behaviour is upsetting. If the perpetrator is unreasonable, just walk away. Don't get involved in an argument. If you feel uneasy with this approach we can set up a meeting for you, and be there to help you talk through the problem together. Or there's a special service that can help solve your dispute. The PANDA mediation service has expert advisers who can help find a solution you're both happy with. But if talking it through won't help we will have to take action.

### **Taking action**

We can't take action against someone without evidence. We may give you a special 'incident diary' to record anti-social behaviour you see or hear. We may need other evidence, like photographs, video or tape recordings. We can sometimes do this for you, but if the incident happens suddenly it may be best if you do it too. We might have to speak to other people who have witnessed the problem. It could be difficult to take the case any further without these other witnesses.

### **Contacting the perpetrator**

If the evidence confirms the anti-social behaviour we will take action. In very serious cases - where the perpetrator has put you or another person in danger - we'll go straight to legal action. But in most situations we'll take a more step-by-step approach to try to get them to change. We will interview the perpetrator. (You can ask us not to do this, but it could then be difficult to take the case further). We will tell them to change their behaviour or risk legal action. This is enough to solve the vast majority of problems. We will consider using an Acceptable Behaviour Contract (ABC), or Parental Responsibility Contract (PRC) – these are undertakings given by a perpetrator about their future conduct.

## **Legal Action**

If anti-social behaviour continues after a final warning - or if someone is in danger - we will start legal action straight away.

We will ask the court to give us:

**an injunction** - a legal order that instructs the perpetrator to stop acting anti-socially; or

**an anti-social behaviour order** banning the perpetrator from coming into specific areas; or

**a demotion order** - the Council can apply to the court to reduce the security of tenure for an existing secure tenant to an "introductory tenancy"; or

**permission to evict** the responsible tenant (the tenant is responsible for their own behaviour and for the behaviour of anyone living with them or visiting their home).

## **What support can I expect?**

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

You will be approached in a supportive way. It will be made clear that any decisions and actions will be based on facts.

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


**Please ask for our leaflet - Victim and Witness Support**

Notes:

## CONTACT INFORMATION

### Council Housing Services


38 Cable Street  
LANCASTER  
LA1 1HH

 01524 582929

Email : [councilhousing@lancaster.gov.uk](mailto:councilhousing@lancaster.gov.uk)

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

In 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  01524 67099

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