

Cannock Chase Council Housing Services

Anti-Social Behaviour Statement of Policy & Procedures

Policy Date

March 2018

ANTI-SOCIAL BEHAVIOUR - STATEMENT OF POLICY & PROCEDURES

Introduction

Cannock Chase Council owns, manages, monitors and improves its housing stock of 5,164 properties and delivers a dedicated Housing Management Service in relation to dealing with incidents of Anti-Social Behaviour (ASB).

We are responsible for delivering an ASB Service to customers as well as providing guidance for Officers, tenants and leaseholders on how the Council responds to complaints about Anti-Social Behaviour.

This Policy is adapted by Cannock Chase Council and is in compliance with the Housing Act 1996, the Crime and Disorder Act 1998, The Anti-Social Behaviour Act 2003 and the Anti-Social Behaviour Crime and Policing Act 2014.

1. Purpose of the Policy

Part 2 of section 12 of the ASB Act 2003 requires Housing Organisations to prepare a policy in relation to ASB and procedures for dealing with occurrences of ASB.

This Policy provides guidance for Officers, tenants, residents & leaseholders; it outlines the Council's commitment on how the Housing Department responds to complaints of ASB.

The Policy also outlines the commitment to our duties in relation to the Equality Act 2010 (with regards to Anti-Social Behaviour and Hate Crime), which aims to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

2. Policy Statement

Cannock Chase Council aims to ensure everyone can enjoy their right to peace, quiet and security in and around where they live. We recognise that in order to provide an excellent Housing Service it must be effective in tackling the problems created by Anti-Social Behaviour and has adopted the following approach:-

- Our approach is one of prevention, enforcement and support.
- We will respond to reports of Anti-Social Behaviour.
- Investigation will start at the earliest possible time after receipt of the complaint and be conducted with all reasonable speed.
- Investigations will seek to identify and interview all interested parties.
- Complainants will be advised of progress of their case and will be involved throughout the course of the investigation.
- Where appropriate, parties will be encouraged to engage in the mediation process.
- We will work with perpetrators of ASB to encourage them to address their problematic behaviour.
- When required, we will use a range of legal and non-legal interventions against perpetrators of ASB.
- We will provide support for Victims and undertake risk assessments with complainants and for witnesses of ASB.
- Cannock Chase Council recognises the importance of partnership working in collaboration with key agencies through the Community Safety Partnership.
- Cannock Chase Council through its actions will demonstrate that Anti-Social Behaviour will not be tolerated and this will be made clear to tenants & leaseholders and anyone who is seeking a tenancy.
- Extensive procedures have been developed for staff when dealing with ASB.
- We provide training, support and guidance for Officers who manage difficult cases requiring legal actions;

3. Policy & Procedure Objectives

The main objectives of the Policy are to:

- Encourage the reporting of incidents of ASB.
- Ensure that incidents of ASB are reported, accurately recorded and monitored.
- Ensure that early action is taken to prevent the escalation of nuisance behaviour into serious ASB.
- Support victims, their families and witnesses.
- Advise victims and witnesses of the services Cannock Chase Council can provide.
- Take a victim orientated approach when dealing with complaints.
- Fully investigate complaints of ASB and deal with them within the given timescales.
- Ensure that actual and potential perpetrators of ASB are aware of the consequences of their actions.
- We will take legal action against the perpetrators where it is proportionate and where there is sufficient evidence to do so.
- Encourage a multi-agency approach to dealing with casework and finding resolutions to ASB.
- Ensure all the relevant officers are fully trained to be able to deal with complaints of ASB.

Anti-Social Behaviour Procedure by Classification and Definition

	Type of Nuisance reported	Remedies Available	Service Standards
CATEGORY A (SERIOUS)	<p>Serious Urgent</p> <p>Harassment/intimidation; (includes threatening behaviour)</p> <p>Criminal behaviour; such as physical violence, assault, arson or theft</p> <p>Domestic Violence</p> <p>Hate related incidents and hate crime</p> <p>Sexual Acts; such as indecent exposure or prostitution</p>	<p>Involvement of Community Safety Partnership Hub (various Agencies such as Police, Environmental Health, Social Services, Women's Aid Victim Gateway, CACH, Tenancy Sustainment/ BRFC etc.)</p> <p>Legal Services Involvement</p> <p>Warning letters</p> <p>IPNA</p> <p>Demotion of tenancy</p> <p>Possession Proceedings</p> <p>Absolute Grounds for Possession</p>	<p>1st Contact within 1 working day</p> <p>Carry out Risk Assessment & agree an Action Plan</p> <p>Investigate & take the appropriate action immediately</p>
CATEGORY B (PERSISTENT)	<p>Persistent</p> <p>Damage to property or vandalism</p> <p>Noise nuisance* such as loud music, shouting, domestic noise or vehicle noise in council tenancies</p> <p>Drug related activity such as drug dealing drug use, cannabis factory, drug paraphernalia</p> <p>Alcohol related nuisance, people causing problems, foul and abusive language</p> <p>Animal related nuisance such as uncontrolled dogs.</p>	<p>Offer Mediation where appropriate</p> <p>Liaise with other agencies, such as Police</p> <p>Environmental Health, Social Services, Youth Offending Team Victim Gateway</p> <p>Tenancy Sustainment/BRFC</p> <p>Warning Letters</p> <p>Acceptable Behaviour Contracts</p> <p>IPNA</p> <p>Extension of Introductory Tenancy</p> <p>Demotion of tenancy</p> <p>Possession Proceedings</p> <p>Absolute Grounds for Possession</p> <p>Noise Abatement Notice</p> <p>Community Protection Notice</p>	<p>1st Contact within 3 working days</p> <p>Carry out Risk Assessment & agree an Action Plan</p> <p>Take the appropriate action</p> <p>Maintain contact with the complainant Investigate & monitor at regular periods</p>
<p>*Noise Nuisance</p> <p>Following investigation, persistent complaints of noise nuisance will be referred to the Environmental Health at Cannock Chase Council. The use of monitoring equipment if there is evidence of noise nuisance and a Noise Abatement Notice is served; legal action will be taken to recover the tenancy</p>			
CATEGORY C (NUISANCE)	<p>Nuisance</p> <p>Environmental issues: such Animal nuisance/Dog fouling</p> <p>Fly Tipping</p> <p>Abandoned Vehicles</p> <p>Misuse of communal areas, loitering associated with nuisance</p> <p>Garden Nuisance/Rubbish</p> <p>Graffiti</p> <p>Hoarding</p>	<p>Offer basic advice</p> <p>Sign post to various agencies</p> <p>Mediation</p> <p>Warning Letters</p> <p>IPNA</p> <p>Tenancy Sustainment/BRFC</p> <p>Acceptable Behaviour Contracts</p> <p>Extension of Introductory tenancy</p> <p><u>Environmental Health</u></p> <p>Abatement Notice</p> <p>Community Protection Notice</p>	<p>1st contact within 5 working days</p> <p>Investigate & Monitor to resolve</p> <p>Take the appropriate action</p>

Performance monitoring: We closely monitor the quality of the service that we provide by setting challenging performance targets for staff as well as carrying out customer satisfaction feedback surveys when we close Anti Social Behaviour cases. Our performance against these Service Standards is reported to the Council's Departmental Management Team.

4. Definition of Anti-Social Behaviour

Please see page 3, for ASB Procedure by Classification & Definition

For the purposes of this Policy the definition of Anti-Social Behaviour is consistent with that used in the Anti-Social Behaviour Crime and Policing Act 2014 which is:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that persons occupation of residential premises; or
- Conduct capable of causing housing-related nuisance or annoyance of any person.

5. Hate Crime and Hate Incidents

Hate crimes and hate incidents are taken to mean any crime or incident where the perpetrators hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.

A hate crime or incidents is any crime or incident which is perceived by the complainant or any other person to be motivated by hostility or prejudice based on a persons actual or perceived characteristics. The common monitored strands (protected characteristics) of hate crime include:-

- Race and Ethnicity.
- Religion and Beliefs.
- Sexual Orientation.
- Disability.
- Transgender Identity. (Trans women & Trans men)

6. Domestic Abuse

Domestic abuse is controlling and coercive behaviour and includes physical, sexual or emotional abuse that takes place within an intimate or family-type relationship. This includes heterosexual relationships, gay and lesbian relationships and family relationships such as the abuse of older people, forced marriage, honour based crimes and female genital mutilation.

7. Safeguarding

Cannock Chase Council is committed to ensuring it adopts a robust and systematic approach to safeguarding children and vulnerable adults in order that the processes it adopts run as a thread through all aspects of Service delivery. Staff will work with a range of agencies to safeguard the welfare of children and adults with care and support needs with whom they come into contact.

8. What is Anti-Social Behaviour

Examples of Anti Social Behaviour include but are not limited to:-

- Criminal Behaviour.
- Using or threatening violence.
- Racist or homophobic behaviour and religious hatred.
- Threatening or intimidating behaviour.
- Domestic Violence.
- Playing loud Music.
- Excessive Noise.
- Damage to Property.
- Uncontrolled Pets.
- Dumping Rubbish.
- Misusing Motor Vehicles.
- Making malicious complaints.

Whilst we recognise that nuisance may affect people in different ways and at different levels' not every complaint made to us will be dealt with as ASB: Some types are considered to be everyday living noises or minor lifestyle differences rather than ASB and therefore these complaints may not be investigated under the terms of this Policy. Examples of such behaviour are:

- People mowing their lawns or using other garden maintenance at reasonable times and frequency.
- People vacuuming or using other domestic appliances at reasonable times and frequency.
- People carrying out DIY/Repairs at reasonable times.
- Noise generated by everyday living, e.g. People walking across laminate flooring wearing shoes, people talking, crying babies, children playing.
- Cooking smells.
- Children playing in their homes or in the locality of their homes or a designated playing area. Children playing ball games is normally not considered to be ASB.

9. Partnership Working

ASB and its causes and effects are wide and varied. Cannock Chase Council supports and contributes to partnership initiatives to reduce crime and ASB. Where necessary, we request, arrange and attend partnership meeting with relevant agencies where a multi-agency approach is required to resolve specific issues of ASB; these may include referral of cases to the Community Safety Hub, or case conferences.

All partner agencies carry out a range of functions relating to ASB. In many instances in order to pursue a course of action, joint working will be an important part of the approach taken. Other partners may be able to provide evidence and additional information or provides specialist support services. Other agencies have specialist skills and resources of powers at their disposal.

Partner Agencies include:- Staffordshire Police, Community Mental Health Services, National Probation Service, Mediation Services, Staffordshire Fire Service, Staffordshire Victim Support, Youth Inclusion and Youth Offending Team, Voluntary Sector Organisations, Social Services, Community Rehabilitation Services, Job Centre Plus and Education, training and the responsibility of Cannock Chase Council Tenants & Leaseholders.

10. The Responsibility of Cannock Chase council Tenants & Leaseholders

Cannock Chase Council Leaseholders are responsible for abiding by the terms of their lease and must not cause nuisance and annoyance to their neighbours, visitors or anyone conducting lawful activity in the vicinity of their property.

The following section applies to existing and prospective tenants of Cannock Chase Council that they are responsible for abiding by the terms of their tenancy agreement. In summary, the sections that are of particular relevance to this Anti Social Behaviour Policy are Sections 3.8, 3.9, 3.10, 3.12, 3.13, of the Terms and Conditions of the Tenancy Agreement.

11. Types of Remedies

Cannock Chase Council is committed to preventing and deterring ASB. We use a variety of remedies, both non-legal and legal and we seek to use the most appropriate remedy available to resolve ASB cases; these include

Early and informal interventions

Early intervention through an informal approach can be successful in stopping ASB committed by most perpetrators. These methods will be considered and exhausted first as they can often stop bad behaviour before it escalates.

- Verbal warnings/written warning letters.
- Mediation. This can be an effective tool, solving issues by bringing all parties together to talk through their concerns. Cannock Chase Council use Wolverhampton Mediation Service via a Service Level Agreement. The trained mediators provide confidential, impartial service that can often solve many incidences misunderstanding or ASB.
- Extension of Introductory Tenancy – Where there are continuing doubts about the conduct of a tenant, for example, if complaints have been received about ASB, the introductory tenancy period may be extended for an additional 6 months. The tenant may request a review of this decision.
- Acceptable Behaviour Contracts (ABC). These are agreements with the perpetrators of ASB. The ABC consists of a list of anti-social acts that the perpetrator agrees to stop doing and outlines the consequences if the ABC is not complied with. ABC's are not legally binding but can be cited in court as evidence if the individual continues to behave in an anti-social manner and further action such as an injunction or possession proceedings, is taken.
- Support and counselling. In many cases there are underlying causes of ASB. Substance misuse or alcohol dependency can often drive ASB. We will signpost wherever possible to the appropriate agencies that can offer support and counselling depending on the circumstances of the person concerned.
- Surveillance. We work with partners to carry out both overt and covert surveillance which may be audio or visual. RIPA Legislation will be complied with at all times.

Legal Action

Where there is sufficient evidence and legal action is proportionate, the following legal tools may be considered.

- **Introductory Tenancies.** All new tenants have introductory tenancies. The use of introductory tenancies enables easier repossession of the property during the first 12 months of the tenancy where there are grounds for eviction. The tenant has the right to seek a review of the decision to seek possession which must be carried out within the statutory framework. The use of introductory tenancies provides a strong message to both new and existing tenants that ASB will not be tolerated.
- **Demotion of Tenancy.** Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants and can be a precursor to possession of the property. If secure tenancy is demoted for a period of one year, the tenant has some rights reduced such as the 'Right to Buy' and possession during this period is easier. Demotion orders are a serious warning to tenants that if the ASB continues swift action can be taken to seek possession of their home.
- **Possession Proceedings.** This is court action that can lead to council tenants being evicted from their homes. Before this stage is reached the tenant(s) involved will have had warnings to stop their behaviour. Evicting people from their home is a very serious matter and this power will only be used in the most serious of cases.
- **Absolute Grounds for Possession.** The ASB, Crime and Policing Act 2014 introduced this new ground for possession for secure tenancies where serious ASB or criminality has already been proven by another Court. This means that we will no longer need to provide that it is reasonable to grant possession and the court must grant possession providing set procedures have been followed, and subject to any human rights or public law challenge.
- **Right to Buy.** The Housing Act 2004 contains measures to prevent anti-social secure tenants from buying their home under the 'Right to Buy'. These circumstances include when there is a possession order in force on the property whereby the landlord can apply to the court asking for the 'Right to Buy' to be suspended because of ASB. The court will stipulate for how long the 'Right to Buy' is suspended.

It is important to note that each case is different and is judged on its own merits. Legal action in some cases may not be an appropriate solution. In order to progress legal action Cannock Case Council applies to the County Court where evidence is presented and judgement is made by a District Judge.

Other measures to address ASB include:

- **Housing Act 1996 Exclusion from the Waiting List.** The legislation allows local authorities the power to exclude certain categories of people from the housing register, for example those with a record of serious ASB.
- **Civil Evidence Act.** In civil proceedings, hearsay evidence is admissible. This allows evidence to be given where a witness is too frightened to attend court personally.
- **Crime and Disorder Act 1998.** This legislation contains certain powers that may be taken to prevent children becoming involved in criminal behaviour or ASB.

- **Clean Neighbourhoods and Environment Act 2005.** This legislation covers many of the problems affecting the quality of the local environment including nuisance vehicles, and abandoned vehicles, litter, graffiti, fly tipping, noise disturbance and dogs in public places.
- **Environmental Protection Act 1990.** Imposes a legal obligation on local authorities to investigate complaints of a statutory nuisance which includes noise nuisance. Extreme noise can lead to equipment being seized and prosecution can lead to a fine. We will work with Environmental Health where the perpetrator is a council tenant and we will consider legal action against the tenancy when an Abatement Notice has been served.
- **The Tenancy Sustainment Team.** The Team provides support to vulnerable people; they provide tailored support to those at significant risk of tenancy failure or those who have risk factors which indicate that they may have some difficulties successfully managing a tenancy.

The Tenancy Sustainment Team work with the following:-

- Families at risk of eviction due to ASB.
- Individuals where there is a prevalence of poor mental health which has an impact on their ability to manage a tenancy.
- High risk domestic abuse cases.
- Families who require intensive support. Those families who are troubled on to the Troubled Families Programme. (BRFC)

12. **Our Approach to Tackling Anti Social Behaviour**

We will assist an owner occupier or private tenant where the alleged perpetrator is a council tenant.

We will act quickly to all reports of Anti Social Behaviour, recognising that this can help prevent situations from escalating.

Officers will be honest with complainants from the very start. We will not make promises that we cannot keep for example by assuring a complainant that a case will go to court as we cannot always predict this.

We will not move complainants or perpetrators as a means of resolving the nuisance or Anti Social Behaviour (except in exceptional circumstances) we will deal with the Anti Social Behaviour.

All actions will be agreed with complainants prior to any action being taken and we will provide complainants with a regular update on the progress of their case. This will commence from the point of the complaint and continue until resolution.

We will minimise the burden on complainants in collecting evidence, and we will ask for completion of incident diary sheets. This is because we may require a detailed witness statement and we will explain why this is necessary.

We want to make people feel confident in coming forward with information, but where complainants wish to remain anonymous, we will nevertheless, still investigate the complaint. Where a situation warrants it, we will use CCTV noise monitoring equipment and professional witnesses.

We will where possible make environmental improvements such as removing graffiti and improving security measures for victims where necessary.

13. What Complainants can do

- In the first instance you may wish to try speaking to the person responsible.
- Report incidents of ASB to Cannock Chase Council's Housing Neighbourhoods Team, and or if appropriate, Staffordshire Police.
- Keep a written record of all incidents, for example, when the incident occurred, what happened, and who was there.
- Tell us the names of those who are behaving in an anti-social manner.
- We will not disclose your details to an alleged perpetrator without your consent.
- Play an active part in helping us resolve the matter. For example, if appropriate, be open to mediating with the other party.

14. Support of Complainants & Witnesses

Whilst we are investigating an ASB complaint we will keep the complainant informed through regular contact either by telephone, e-mail, in writing or by visiting in person. In all cases we will support complainants and witnesses.

- At the start of the investigation we will complete an assessment which will help us identify any support the complainant may require and any other agencies we work with in partnership.
- Provide the complainant with information about how to record incidents of ASB.
- Advise the complainant about improving security at home if required.
- Provide practical support for victims and witnesses during court cases.
- Provide regular staff contact.
- Where appropriate provide a personal escort for victims and witnesses to and from Court.
- Use injunctive powers to address witness intimidation.
- With the complainants permission refer them to the Victims Champion ASB.

Other related Policies include:

- **Housing Allocations.** An applicant can be excluded from the housing register where they (or any member of their household) have perpetrated ASB serious enough to make them an unsuitable tenant. This behaviour must be so serious that (if the applicant had been a secure tenant at the time) it would have entitled Cannock Chase Council to a possession order under Section 84 of the Housing Act 1985. We will clearly explain the terms of the tenancy agreement to all new tenants, drawing particular attention to the clauses around ASB and neighbour nuisance. All new applicants will receive a new tenancy visit within 4-6 weeks of their new tenancy start date. The purpose of this visit will be to check that they have settled into their new home and to raise any problems that may have come to light in the first few weeks of their tenancy, such as nuisance and ASB.
- **Homelessness** – Where legal action is being taken against someone's tenancy for ASB, we will advise the Housing Options Team. A joint visit may be undertaken at this time. We are committed to sustaining tenancies ensuring where appropriate, support is provided to help individuals amend their behaviour. However, it is recognised that legal action will, where, appropriate, be necessary in order to bring ASB to an end.

- **Equality & Diversity** – Cannock Chase Council is committed to genuine equality of opportunity and valuing diversity in its role as a service provider. We believe that everyone has the right to be treated with respect for their cultures and values and to feel safe and secure in their own home and neighbourhood. We will not tolerate any form of discrimination; we will make sure that no person or group applying for housing services or employment will be treated less favourably than any other person or group because of their individual characteristics. These characteristics include, but are not limited to, disability, ethnicity, race, colour, gender, age, religion, sexual orientation, gender reassignment and marital status.

14. Customer Satisfaction

Customer satisfaction surveys will be carried out in order to determine the level of satisfaction with the service provided. Performance indicators will be set for the speed of our response to complaints and for the level of customer satisfaction. Where customers are not satisfied with the service provided, a senior member of staff will contact them to discuss their dissatisfaction and explore whether anything else can be done to assist the complainant. This information will be utilised to determine if and how we can learn and aid service improvement

15. Training of Staff

All Officers dealing with ASB will receive training on Policies & Procedures together with specialist training and training on statutory changes.

16. Data Protection & Information Sharing

Cannock Chase Council is a signatory to the Safer Estates information sharing Protocol. The protocol encompasses:

- Information on the data protection implications of the Crime and Disorder Act 1998.
- Guidance on the Human Rights Act 1998 and the principle of proportionality.
- Guidance on the Data Protection Act 1998.

We respect the rights of our customers to confidentiality and will always request their permissions before sharing any information they give us with others.

17. Publicising Success

Publicity is essential if local communities are to support us when tackling ASB. Therefore we will publicise successful results in the local newspaper and or on the Council website Chase Matters, and the Hometalk Magazine.

18. Protection of Staff

We will not tolerate any threats or abusive behaviour towards our staff, Condition 3.11 of the tenancy agreement states.

“You agree not to threaten, intimidate, harass, cause alarm or distress or carry out any violent act and ensure anyone living with you or your visitors do not threaten, intimidate, harass, cause alarm or distress or carry out any violent act against any of our employees, agents or contractors, either when visiting you at your Home or in any of our offices or anywhere else”

We will take strong action if this condition is breached including legal action which could result in an injunction, possession proceedings or both.

19. Monitoring and Review of the Policy

Cannock Chase Council will Review this Policy annually. We will consult with service users, Members, Staff, Partner Agencies within the periodic review of this Policy and Procedure. Any legislative or government requirements affecting Anti Social Behaviour will be reflected in the amended.

20. How to Report ASB

A complaint can be made about ASB by:

Telephoning the ASB Reporting Line: 01543 462621.

Report it on www.cannockchasedc.gov.uk

EMTeam@cannockchasedc.gov.uk

Visiting the Housing Office.

Writing to Cannock Chase Council, PO Box 28, Beecroft Road, Cannock WS11 1BG.

Complainants will be asked to provide their name and address and contact details. Please note that if a complainant is anonymous, any investigation may be limited because of lack of information.

Please note that Cannock Chase Council does not provide an emergency response service. If an urgent Police response is required you should call 999. For routine matters, call 101.

