



ANTI-SOCIAL BEHAVIOUR POLICY



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INTRODUCTION

There is not a statutory definition of anti-social behaviour as such. However, it is generally accepted that anti-social behaviour is that which has caused harassment, alarm or distress, this can also include conduct that consists of using, or threatening to use Council owned accommodation for an unlawful purpose.

Therefore this can cover a wide range of behaviours, which are tackled by a variety of Council departments, as outlined in the table below.

COMMUNITY PROTECTION TEAM	HOUSING MANAGEMENT	LEGAL, DEMOCRATIC AND REGULATORY SERVICES
Drug dealing/use.	Amplified music – council tenants only.	Amplified music – all tenures.
Violence and threats of violence	Ball games.	Fly-tipping.
Disorder affecting several households.	Noisy pets.	Noisy building works
Threats to staff.	Car repairs.	Nuisance bonfires.
Serious criminal activity eg Multi-Agency Public Protection arrangements.	Neighbour disputes.	Nuisance dogs and dog fouling.
Anti-social rough sleepers and street drinkers.		
Responding to Police and other intelligence.		
Anti-social vehicle use.		
Cases managed by Housing Officers where intensive action is needed or measures taken so far have failed.		

This Policy applies only to the behaviours dealt with by the Community Protection and Housing teams, as above.

It is very important that a distinction is made between conflicting lifestyles/low level noise and persistent and serious misconduct. The Council may receive reports of behaviour that one household considers anti-social, but which maybe considered normal living noise by another. The Council therefore has to take a balanced approach; taking action when behaviour falls outside the range that a 'reasonable' person may find acceptable. It also needs to be made clear that the Police are responsible for responding to crime but that the Council may be able to assist in providing a long term solution to persistent issues.

PART ONE - BACKGROUND

ANTI-SOCIAL BEHAVIOUR CHARTER

The Council has signed up to the Chartered Institute of Housing Anti-Social Behaviour Charter and therefore our approach and this Policy, incorporates the core commitments of this charter as below:

- **We demonstrate leadership and strategic commitment**
- **We provide an accessible and accountable service**
- **We take swift action to protect communities**
- **We adopt a supportive approach to working with victims and witnesses**
- **We encourage individual and community responsibility**
- **We have a clear focus on prevention and early intervention**
- **We ensure a value for money approach is embedded in our service**

COUNCIL TENANCIES

Every St Albans Council tenancy has conditions that tenants agree to follow when they sign their tenancy agreement. As well as outlining our conditions as a landlord, the tenancy covers how rent should be paid, how the tenant should treat their property and the kinds of behaviour we consider to be a breach of the tenancy.

All new tenants to the Council, who are not transferring from another social landlord, are given an Introductory tenancy that lasts for at least 12 months, converting to a Flexible Tenancy if there are no pending possession hearings.

If Possession proceedings are commenced against an Introductory tenant and this action is considered necessary and proportionate by the Court, then it is mandatory that the Court awards possession of the property.

For flexible tenancies, possession can be obtained during the fixed time period if there have been serious breaches. This can be mandatory ie the Court has no discretion to suspend or adjourn the hearing, if a serious crime has been committed. For further details please see 'Taking Action' below.

The current Council tenancy conditions that cover the main forms of anti-social behaviour are:

5.7 Your behaviour

As well as being responsible for your own behaviour, you are also responsible for the behaviour of anyone else living in or visiting your home. This includes the areas you share with other households or areas around your home and estate.

- 5.7.1 You must not abuse, harass or intimidate (physically, verbally or in any other way) any council member, employee or contractor we have employed, or any other person lawfully in the area, or behave in a way which is likely to cause alarm or distress to any council member, employee or contractor or any other person lawfully in the area.
- 5.7.2 You must not carry out, or allow anyone living with you to carry out, any form of harassment or other antisocial behaviour.
- 5.7.3 You should not recklessly or deliberately make noise that causes or is likely to cause a nuisance at any time. In any case, you should only use equipment which makes a noise (e.g. washing machine or DIY equipment) during the daytime and not late at night (after 10:00pm) or early in the morning (before 08:00)
- 5.7.4 You must not allow any visitors to carry out any form of harassment or other anti-social behaviour.
- 5.7.5 Harassment or antisocial behaviour is any act or failure to act which interferes with the peace and comfort of our employees, members or contractors, other residents or any other member of the general public.

It includes (but is not limited to) the following.

- Harassing someone because of their age, sex, race, colour, religion, culture, sexuality, disability or lifestyle.
- Being violent or threatening violence.
- Being abusive or using insulting words or behaviour.
- Being offensive
- Damaging, or threatening to damage, someone else's property.
- Writing graffiti, particularly graffiti which is abusive, threatening, offensive or insulting.

- Making unnecessary or excessive noise, including arguing and slamming doors, playing a musical instrument, or playing music or having your TV so loud that it can be heard outside your home.
- Using, or allowing someone else to use, the property for handling or storing stolen goods.
- Any nuisance or annoyance caused by pets including barking or not cleaning up after your pets.
- Playing ball games close to someone else's home.

5.7.6 You must not commit, or allow anyone who lives with you to commit, an arrestable offence in the area your home is in.

5.7.7 You must not use the property, or allow anyone else to use the property, for any illegal activity (this includes selling, storing or taking drugs, prostitution and storing stolen goods).

5.7.8 You must not keep, or allow anyone else to keep unlicensed firearms or any illegal weapon in the property.

For more details related to tackling the breach of Council tenancies please see part 2 'Taking Action'.

HATE CRIME

St Albans does not accept harassment of any kind, be it on the grounds of race, religion, sexual orientation, gender, or disability. **If anyone involved with a case of harassment feels there is a racial element, then the case will be treated as racial harassment.**

EQUALITY ACT 2010

As well as providing a framework to ensure Council services are not provided in a discriminatory manner. This Act also outlines the approach to be taken when considering legal action against a person who is disabled. Basically, this requires that we:

- demonstrate that we have taken the disability into account when deciding to proceed with legal action.
- have concluded that legal action is needed due to the effect of the anti-social behaviour on either the health of the victim and/or perpetrator.
- ensure the legal action is a proportionate response to the anti-social behaviour.

Therefore it is very important that all staff consider the above points and take all possible actions, throughout the progress of a case. Such cases should always be discussed with senior officers before proceeding.

SUPPORT SERVICES

A large number of cases can be resolved through the effective and timely use of intervention and support services, notwithstanding that our main priority will always be the protection of residents and witnesses.

When young people commit anti-social behaviour there may be a variety of reasons for this. Therefore we will always try to meet face to face in order to undertake an assessment of the particular circumstances. We will then undertake a parallel approach to protect residents whilst working with Hertfordshire County Council Targeted Youth Support Services to provide support to the young person.

Where appropriate, cases will be referred to the Community Mental Health and Community Learning Disability Teams for support and advice to both witnesses and perpetrators. Adequate time should always be given for this support to take effect. However, as cases progress it be necessary to take legal action in order to protect residents and witnesses. Please see the guidance under 'Equalities Act 2010' above.

Assistance for perpetrators who have drug and/or alcohol problems can be sought from the Community Drug and Alcohol Teams, the NHS Single Point of Access team, and Crime Reduction Initiatives (CRI). As mentioned above however, it may still be necessary to undertake legal action, in order to protect residents and witnesses.

The Community Protection Team also has access to a parenting support service which gives intensive counselling to families where relationships have broken down and when this is causing anti-social behaviour problems in the community.

The Council currently funds a Tenancy Support Service via Hightown Praetorian Housing Association. This service provides support for tenants who are more vulnerable and need extra assistance in managing their tenancy.

DIVERSIONARY PROJECTS

The Council and Community Safety Partnership assist via funding and staff time, a number of projects. These include the Watford FC Onside football scheme which currently provides weekly football sessions for young people at six sites across the District

Funds are also provided by the Community Safety Partnership for the Hertfordshire Fire and Rescue Service 'LIFE' project. This scheme entails a group of young people, referred by agencies such as the Council and Police, undertaking intensive training, similar to that of a Firefighter, for a week at St Albans Fire Station.

Community Protection staff assist with the Army Outreach scheme, whereby a group of young people experience a structured disciplined environment over a number of weekends, which is designed to lead to long term involvement with the Army Cadet Force.

INFORMATION EXCHANGE

St Albans Council exchanges information with various agencies when it is appropriate to tackle anti-social behaviour and/or prevent and detect crime, whilst complying with the relevant legislation. As detailed in the section on witness management; permission will normally be sought from witnesses before disclosing information to other agencies. However, if the exchange is needed for the prevention or detection of serious crime or to prevent abuse, this exchange may take place without permission or prior notification.

The information that may be shared is detailed below:

- Name and address of witnesses and complainants.
- Details of anti-social behaviour complaints.
- Details of addresses possibly used for dealing drugs.
- Intelligence concerning certain offenders/perpetrators.
- Allegations of child abuse.
- Racial and other harassment details.

PART 2 TAKING ACTION

There are many actions that can be taken both from the enforcement and preventative angles, as explained below in further detail.

In all but the most serious of cases, a mixture of approaches will be considered and implemented where possible in an effort to try and solve the problem.

In certain cases we will receive a series of allegations and counter-allegations, with no witnesses or independent evidence. As mentioned on page 3, a balanced approach will be taken based on the information available. If it is not possible to identify a clear perpetrator, Mediation or Restorative Justice may be the only actions available. Please see the relevant sections below for further details.

SUPPORTING WITNESSES

How witnesses are supported is very important. In many cases they will be concerned about repercussions and the legal process. The Community Protection Team will undertake a face to face discussion for all new cases whenever possible. The Community Protection and Housing Teams will complete a witness risk assessment (Appendix 1) for all cases, to identify any vulnerabilities at the earliest possible stage .

Once this assessment is completed, it is also important that a plan of action is discussed, outlining the realistic outcomes and options available.

Feedback from residents has highlighted that it is important to provide updates as the case progresses and when key actions are taken, such as service of a Notice of Seeking Possession. This ensures witnesses have full information, which increases confidence levels and also helps to prevent any misunderstanding.

It is possible to exhibit witness statements from residents as 'hearsay', this means Officers will present the statements on the witnesses behalf, avoiding the need to attend court. In extreme cases this can be done anonymously. Clear reasons need to be given as to why the witness does not want to attend Court. It does need to be made clear that hearsay evidence can seriously affect the chance of success at Court.

Information provided by witnesses is kept confidential and is normally only disclosed to other agencies with permission, which is obtained via a signature on the risk assessment form. However, information may be disclosed to the Police or Social Services without permission or prior notification, if it is needed for the prevention or detection of crime or to prevent abuse.

The Council does have access to a small number of CCTV systems that can be deployed at a street location or in individual homes. These systems are only available for high risk or very serious cases and the decision to deploy such systems will depend on the circumstances of each case.

The Council's Housing Review Panel can consider requests for awarding extra priority to a transfer application. Unless there are exceptional circumstances, priority will not be awarded if the Council has not had the opportunity to take reasonable action and if the request is not supported by a Police Neighbourhood Team Sergeant or above. Any priority banding awarded for an urgent move will be removed if the problem ceases or if an offer of accommodation is deemed to have been unreasonably refused.

When appropriate we will publicise the results of actions we have taken.

INITIAL CONTACT

- All Officers will accept reports on the phone, during interviews, by letter, e-mail or incident log, obtaining as much detail as possible, for example, date, time, names or descriptions of persons involved.
- Community Protection staff will meet witnesses face to face to obtain initial details.
- Community Protection and Housing staff will complete a witness risk assessment for all new cases.
- All Officers will respond to routine reports within 3 working days.
- All Officers will respond within 24 hours to reports :
 1. Involving high risk/vulnerable witnesses and victims.
 2. Of violence, and threats of.
 3. Drug dealing.
- Once sufficient information is received, all staff will explain to the witness the proposed course of action. Outlining clearly the action we can and cannot take based on the available information.
- If there is a group of residents reporting problems, arrange a meeting. This can greatly build confidence, increases the chance of success at Court and increases the resilience of the community on a long term basis.

ACTIONS

There is not a set process outlining the order in which these actions will be used. This will depend on the circumstances of each individual case

Letter/Telephone call/Interview

Initially, we may make contact with the alleged perpetrator by way of a phone call, letter or interview and in a large proportion of cases this does resolve matters. In all but the most serious case we will attempt to obtain the other party's side of events. It is quite common to receive counter allegations. This action may take place on various occasions as case progresses.

Officers will always advise alleged perpetrators that legal action may be taken and will advise them to seek independent legal advice.

Joint visits and interviews may also take place with Police, Social Workers and other agencies, when appropriate.

Mediation

In many neighbour disputes this may be the first and only action that the council can recommend. Mediation allows people to discuss their differences in a controlled manner to try and come to an agreement, without resorting to legal action. This is free, and both parties must agree for this process to be commenced.

Mediation is particularly suitable in neighbour disputes where complaints and counter complaints are received and in cases where the problem appears to be a clash in lifestyles. In some case we may not agree to take any further action unless this is attempted, see Case Closure, page 15.

Restorative Practice

Housing Management and Community Protection Officers have been trained to undertake Restorative Practice. This is similar to Mediation but is much quicker and can be used whether or not there appears to be a clear perpetrator. As with mediation, we may not agree to take further action unless this is attempted, the process is free and both parties must agree before the process can commence.

Acceptable Behaviour Contracts

Referred to as an ABC. This is a document drawn up with the Council, and Police which contains a list of behaviour that someone committing or suspected of committing anti-social behaviour signs to agree they will no longer commit. Most often, these are used for youths and in that case a parent or guardian will also sign. Other agencies such as Social Services, Targeted Youth Support Services may also sign.

The conditions will depend on the circumstances of the case but generally they will cover behaviour that needs to cease, for example not to throw stones at windows or not to enter property without permission. ABCs have been very successful in dealing with youth nuisance and do not give the young person a criminal record.

Some subjects of ABCs do not alter their behaviour and further action then needs to be considered. Although an ABC is not a legally binding document, it does detail that if the conditions are broken and nuisance, alarm or harassment result then criminal proceedings, possession proceedings, an injunction or an Anti-social behaviour Order may be taken out. If the subject does not sign an ABC this can be used as evidence of failure to co-operate, if further action is taken.

Surveillance

The Council does have use of several CCTV cameras that can be installed to gather evidence if a suitable location is available and this action is necessary and proportionate. Unless there is serious crime taking place, the Council is not able to carry out covert or hidden surveillance. Instead the cameras need to be visible with clear signage.

Injunctions

It is possible for the Council to apply for Injunctions to prevent certain behaviour or to prevent people from entering certain locations. The behaviour needs to be serious enough to warrant an order being made and it has to be 'just and convenient' to grant the order. For matters related to the management of Council tenancies the threshold is behaviour that has caused nuisance and annoyance, for non council tenancies, the threshold is behaviour that has caused harassment, alarm or distress.

Breach of an injunction is contempt of Court, which is not a criminal offence. However, a prison sentence can be ordered for repeated breaches. Where there has been violence, threats of violence or there is a serious risk to health from the behaviour; a power of arrest for a breach can be attached. It is not possible for evidence of a breach to be given anonymously. It is possible to apply for mandatory possession of a council tenancy where there have been Injunction breaches.

Suspension of the Right to Buy

The Right to Buy can be suspended by the County Court if the Council can show that the tenant, someone living in, or someone visiting the property in question has engaged or threatened to engage in conduct which has caused or is likely to cause harassment, alarm or distress. The suspension period is any length of time which is considered reasonable.

Possession Action

Generally we can apply for possession when; there have been serious breaches of the tenancy, it is possible to establish a perpetrator and other actions, eg mediation have been tried and have failed. In very serious cases, we may apply to Court straight away.

If a tenancy is Introductory, (all new tenancies except those given to transferring existing tenants are Introductory for the first year) a Notice of Intention to Seek Possession, a NISP is served. The tenant then has time to ask for a review of the case. If the review is successful then the case is suspended, if not, the case proceeds to Court.

If the Council does apply to Court with an Introductory tenancy, and the application is reasonable in the circumstances, then the Court should award possession of the property. The case should not be suspended or put off until another time. Once possession has been awarded, the Council can then apply for an eviction warrant when appropriate.

For Secure tenancies and in all but the most urgent cases it is necessary to serve a Notice of Seeking Possession, a NOSP. The NOSP gives the tenant four weeks notice that an application will be made to the Court, or an application can be made to the Court straight away – this will depend on the circumstances. When the case goes to Court a judge will decide the outcome.

The Judge may:

- Decide not to give an Order, or 'adjourn' the hearing for more information, to give a chance for the perpetrators to change their behaviour, or to give other options a chance.
- Give an Order for possession to take effect after a period of time, usually 28 days. After this time period, the Council can apply for an eviction warrant. For cases involving serious criminal behaviour and breaches of an injunction it is possible to apply for mandatory possession.

- Give an Order for possession, but 'suspended' so long as the perpetrator follows conditions set down by the Court. If the perpetrator does not follow the conditions, the Council can apply for an eviction warrant.

It is also possible to 'demote' a tenancy. This means that the Council can apply to the Court for a Secure tenancy to be reduced to the status of an Introductory tenancy. This means that if serious anti-social behaviour persists, the Court has much less discretion in deciding whether to grant the Council possession of the property.

Community Protection Notice

This is a power that allows for Council or Police Officers to issue a notice (following a warning) if certain behaviours are taking place. The behaviour has to have a detrimental effect on the quality of life of people in a locality, be of a persistent nature and be unreasonable.

Breach of the Notice is a criminal offence punishable by a fixed penalty notice or a fine. This Notice does not replace or over ride the Council's responsibilities under the Environmental Protection Act 1990.

Public Space Protection Order

This is an Order available to Councils that allow for restrictions to be placed on the use of public spaces. These Orders are available when there has been behaviour that has or is likely to have had a detrimental effect on the quality of life of those in the locality, the behaviour is or is likely to be persistent, is or is likely to be persistent and justifies the restrictions imposed.

Criminal Behaviour Order

This partially replaces the Anti-Social Behaviour Order and allows for the Criminal Prosecution Service, (when prosecuting a case), to attach an Order with conditions if the Court is satisfied that the perpetrator has caused harassment, alarm or distress and that the Order will help prevent this.

The Police or Council can ask the CPS for one of these Orders. It is a criminal offence to breach this order and they can last from a minimum of two years up to an indefinite period.

Closure Notice and Closure Order

This is a two stage process that allows the Council or Police to close a premises. The first stage is the service of a Closure Notice if use of the premises has resulted in or is likely to result in serious nuisance to members of the public.

This Notice can last for 48 hours and once served, everyone apart from persons with a legal right to occupy the property must leave or they will be committing a criminal offence.

Unless the Notice is cancelled, the case then is referred to the Magistrates Court to consider whether a Closure Order should be made. The Order prevents anyone from entering the property without permission of the applicant and lasts for 3 months and can be extended up to six months. Breach of the Order is a criminal offence. Before making an Order the Court needs to be satisfied:

- that a person has engaged or is likely to engage in disorderly, offensive behaviour on the premises, or
- that the use of the premises has resulted or is likely to result in serious nuisance to members of the public, or
- that there has been or is likely to be disorder near the premises, associated with the use of the premises and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

CASE CLOSURE

The Community Protection Team regularly reviews open cases to see if these should be closed.

If there have been no complaints for a number of weeks and there are no legal orders in place, a case will normally be closed. This will involve sending a letter to the witnesses involved with a satisfaction survey.

Cases may also be closed in certain circumstances where there are recent incidents. These cases can include:

- long running neighbour disputes where it is impossible to ascertain the facts from a series of allegations or counter allegations, where mediation has been attempted and when the Council is powerless to improve relations.
- cases where there is no evidence (that meets the civil balance of probabilities test) of behaviour requiring the Council's intervention.

Cases mentioned above could have involved Officers in numerous home visits, the use of monitoring equipment, letters to other residents, mediation, and restorative practice. Support may continue to be provided in other ways, but the case will remain closed unless there is new evidence of significant nuisance.

COMMUNITY TRIGGER

This is a review action that allows for anyone to ask for a case to be reviewed if a threshold is met. The local threshold is met if three reports are made from an individual about separate incidents within a six month period or three individuals have separately reported incidents within a six month period.

We will also consider requests for a review in the light of:

1. The persistence of the behaviour.
2. The harm or potential for harm.
3. The adequacy of the response.

The Review is undertaken by Officers from the Council, Police and Housing Associations when relevant.

If you would like to request that the Community Trigger is used please contact the Council on 01727 819538.

MONITORING

The Council has a case management package that allows all Officers involved to process and manage cases electronically. This package also allows for statistical reports to be produced.

REVIEW PERIOD

The Principal Community Protection Officer will review this policy when new legislation is introduced, or when there are significant changes to legal precedents or good practice.

This policy has been written to comply with the following legislation; The Children Act 1989, The Crime and Disorder Act 1998, The Disability Discrimination Act 1995, The Regulation of Investigatory Powers Act 2000, The Homelessness Act 2002, The Human Rights Act 1998, The Housing Acts 1985 and 1996, The Anti-social behaviour Act 2003, The Equalities Act 2010, and The Anti-social Behaviour Crime and Policing Act 2014.

Last reviewed: October 2014

APPENDIX 1 – RISK ASSESSMENT

Name:	Address:
Case No:	

This scorecard is designed to help you identify vulnerable victims, witnesses, and complainants. It should be used as a guide, and in combination with your own judgement (and that of your neighbourhood partnership) to help ascertain what support and protection is required in any given situation. All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

	Score	
1. Other than this occasion, how often do you have problems ?		5- Daily 3 - Most Days 2 -most weeks 1- most months 0-only occasionally
2. Do you think the current incident is linked to previous incidents ?		2 – Yes 0- No If so why ?
3. Do you think the incidents are happening more often and/or getting worse ?		2 - Yes 0- No
4. Do you know the offender/s ?		2- They know each other well 1 – They are known to each other 0 - No
5. Does the perpetrator, or their associates, have a history of, or reputation for intimidation or harassment ?		6 – Perpetrator or their associates are currently harassing the complainant 4 – Perpetrator or their associates have harassed the complainant in the past. 2 - Perpetrator or their associates have not harassed the complainant, but do have a history or reputation for harassment or violent behaviour. 0 – Perpetrator or associates have no history or reputation or harassment or intimidation.
6. Have you informed any other agencies about what has happened ?		0- yes 1 – No Details:
7. Do you think that this incident has deliberately targeted		4 – You 3 – Your family 1 – Your community 0 – No-one
8. Do you think that this incident is associated with your faith/nationality/ethnicity/sexuality/gender or disability ?		3 – Yes 0 –No Details:
9. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (eg because of personal circumstances ?		3 – Yes 0 – No Details:
10. How affected do you feel by what has happened ?		5- Extremely 3 – A lot 2 – Moderately 1 – Affected a little 0 – Not at all
11. Has yours or anyone's health been affected as a result of this and any previous incidents ?		3 – Physical Health 3 – Mental health Details:
12. Do you have a Social Worker, Health Visitor or other professional support ?		1- No 0 – Yes Details:
13. Do you have any family or friends to support you ?		3- Lives alone and is isolated 3- Isolated from people who can offer support 1- Few people to draw on for support 0 – Close network for support.
14. Apart from any effect on you, do you think anyone else has been affected by what has happened ?		3 – Local Community 1- Family Details
I hereby consent to St Albans Council disclosing and discussing details of my case with the Police, Social Services and other relevant agencies.		Signed: Name:

Score and adjust accordingly, with clear reasons for any adjustment detailed below

Low 0 4 8 12 16 20 22 24 26 28 30 High

Multi-agency support/action plan

Other notes

