Anti-social Behaviour Policy

A new approach to public service
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1. Introduction

Selby District Council believes that its residents have a right to live without fear of anti-social behaviour. We will do our best to support victims of anti-social behaviour, and make sure that we have the procedures in place to prevent future incidents.

Anti-social behaviour can be especially distressing if it is persistent and on-going. We are committed to challenging perpetrators to prevent further damage to communities, and also to ensure the behaviour does not escalate into more serious criminal activities.

Across the district, our aim is to:

- make it easy to report anti-social behaviour
- deliver an efficient and effective anti-social behaviour service
- minimise incidents and reoccurrence of anti-social behaviour
- put victims and witnesses at the heart of the service
- use the powers we have to protect the vulnerable residents of the district
- work in partnership with local agencies
- ensure that suitable support and advice is available
- help more people and communities to help themselves
- deal with issues at the first contact where appropriate
- support sustainable lettings by factoring in anti-social behaviour issues when individuals apply for housing through our shared allocations scheme

2. What is anti-social behaviour?

We take a broad view of anti-social behaviour. Legally, it is defined as behaviour which causes, or is likely to cause, harassment, alarm or distress. A lot of behaviours which are described as anti-social are also crimes, such as graffiti, vandalism, hate crime and domestic abuse. However, anti-social behaviour is not necessarily criminal. It may be the cumulative effect of an individual’s actions which cause a nuisance to another individual or to the community in which they live – for example, a person who persistently plays loud music at night. Authorities have a range of civil powers to help prevent anti-social behaviour, and we are committed to combatting the damage caused to communities by anti-social behaviour by appropriately using the range of powers available to us.

Some types of behaviour considered anti-social:

- excessive noise, particularly if it happens at unreasonable times of day
- drinking or drug use which leads people to be rowdy and cause trouble
- large groups hanging about in the street (but only if they are causing, or are likely to cause, alarm and distress)
- urinating in the street
- littering, vandalism or graffiti
- racial or other abuse, including hate crime and mate crime
- untidy or neglected gardens/land
- nuisance from vehicles (such as repairing vehicles and parking issues)
- rubbish dumping and misuse of communal areas
3. **The policy context and statutory framework**

The policy is intended to address anti-social behaviour across the district, whether personal, nuisance or environmental, wherever it occurs. There is a wide range of legislation to consider both in our role as a local authority dealing with anti-social behaviour, as well as in the management of social housing across the district, which will be considered during case management and the enforcement process.

This policy takes into account the most recent changes in legislation, the Anti-social Behaviour, Crime and Policing Act 2014. It also reflects guidance notes and best practice as outlined in a government White Paper, Putting Victims First – more effective responses to anti-social behaviour (May 2012). Additionally, we have signed the Chartered Institute of Housing’s ‘Respect: ASB Charter for Housing’, making a public commitment to delivering high quality anti-social behaviour services.

The document called Putting Victims First set out the government’s agenda for anti-social behaviour. Specifically, the government wants to:

- assist local agencies to focus on victims in their response to anti-social behaviour
- support people and communities to establish what is and isn’t acceptable locally
- support people and communities to hold local agencies to account
- ensure that professionals have the powers they need to tackle anti-social behaviour
- focus on long term solutions by addressing the issues that drive anti-social behaviour

In signing up for the ‘Respect: ASB Charter for Housing’, we commit to:

1. Demonstrating leadership and strategic commitment
2. Providing an accessible and accountable service
3. Taking swift action to protect communities
4. Adopting a supportive approach to working with victims and witnesses
5. Encouraging individual and community responsibility
6. Having a clear focus on prevention and early intervention
7. Ensuring a value for money approach is embedded in the service

As landlords, our own tenancy agreements and those of registered providers (social landlords or housing associations) with stock in our district, have additional requirements relating to tenants’ behaviour and that of their household members and visitors. These will be set out in individual tenancy agreements. These are in addition to the rights and responsibilities of all residents in the district with regard to anti-social behaviour.

4. **Partnership working**

We recognise that in order to deal with anti-social behaviour effectively we cannot work alone. Close partnership working arrangements are necessary if long term sustainable solutions are to be achieved. Sections 5 and 6 of the Crime and Disorder Act 1998 (as amended) require the ‘responsible authorities’ which comprise community safety partnerships (CSPs) to work together and with other agencies to develop and implement strategies to reduce crime, anti-social behaviour and re-offending.
Community safety partnerships are made up of partners such as the police, local authority, fire and rescue authority, probation service and health authority. Registered providers are co-operating bodies in our local CSP. Section 115(2)(da) of the Crime and Disorder Act 1984 allows registered providers to exchange information where disclosure is relevant to the purpose of any provision of the Crime and Disorder Act. This means all social landlords are now entitled to receive disclosure of information about anti-social behaviour caused by their residents or around their properties from the police or the local authority. All social landlords are, therefore, able to ask the police for information such as:

- Details of cautions or convictions for an individual
- Drug warrants executed
- Police call out logs to a specific address

There are regular meetings where members of our staff engage with a number of key agencies to discuss mutual problems in their respective areas, agree action plans to deal with cases, and monitor progress. The meetings not only look at ways of dealing with anti-social behaviour using enforcement, but also consider what support can be given to victims and also perpetrators to help them change their behaviour where possible.

The agencies that attend these meetings regularly are:

- Selby District Council
- North Yorkshire Police
- social care
- registered providers

When necessary we may request the help of other specialist agencies to deal with specific cases, e.g. concerning drug, alcohol, mental health issues. However, it must also be recognised that there are some cases where a certain level of tolerance is required due to the particular situation or individuals involved, and that not all cases will be suitable to proceed to formal action.

As well as these monthly meetings, staff will organise and attend case conferences with other agencies to discuss wide-ranging solutions.

5. **Our approach to dealing with anti-social behaviour**

Prevention is always better than a cure, and one of the most important areas of our anti-social behaviour programme is working with our partners to prevent anti-social behaviour from happening in the first place. It is also important to break cycles of repetitive anti-social behaviour to prevent it re-occurring in future.

Our community officers work throughout the district, and the team has responsibility for responding to initial problems and complaints of anti-social behaviour from all our residents, whatever type of housing they live in. The majority of anti-social behaviour complaints will be able to be resolved effectively with minimal, low-level intervention. Some cases will also involve partnership working with other agencies in the district, and a number of regular meetings take place to ensure that this happens. However, where more formal action is required because there has been more serious and/or persistent anti-social behaviour then cases will be referred to our enforcement team.
Some cases are easier to address than others and may need only support with problem solving, or require a gentle reminder that certain behaviour is unacceptable. In other more complex cases a multi-agency approach may be required to look at changing the way a perpetrator behaves and giving support to those affected by the behaviour.

Cases may be referred to our enforcement team at any time where this is appropriate and proportionate. We have a corporate enforcement policy, which sets out our method of enforcing on a range of issues, including where we have a tenancy agreement with a perpetrator of anti-social behaviour. Our corporate enforcement policy states that:

“Access Selby adopts a ‘firm but fair’ approach to ensuring the District operates smoothly, and we will carry out all of our enforcement duties, including formal enforcement action in a fair, equitable and consistent manner.”

“Enforcement action should not be a last resort but a proportionate response to [anti-social behaviour] which will stop problems.”

Some of the low-level intervention tools we make use of are detailed below.

**Home visits**
Home visits can be a useful tool for raising awareness of a particular problem, or discussing how it might be possible to resolve it. We may carry out a visit ourselves, and in some cases it may be more appropriate for a partnership organisation to do so.

**Warning letters**
Warning letters may be issued requiring a change of behaviour. If the person receiving the warning also has a tenancy agreement with or our partner, we will highlight if they are in breach of it.

**Mediation service**
Mediation can often help sort out problems in the early stages, and prevent a situation escalating. We refer cases to North Yorkshire Mediation Service, part of our Community Safety Partnership. They offer a confidential and impartial service to help resolve disputes between neighbours.

**Counselling**
Positive support of this type can be a powerful way of addressing the root causes of anti-social behaviour, particularly in complex cases involving alcohol and substance abuse.

**Supported housing**
Our staff can make referrals for ‘floating support’ where appropriate, which is a service enabling vulnerable adults to be independent and stay in their home. Local agencies can provide tailored one-to-one support to individuals who need it for a fixed period of time.

**Diversionary activities**
We use diversionary activities to engage young people in positive activities and create networks of affirmative peer groups. The council and our relevant partner organisations deliver a range of diversionary activities and events for young people in the district.
Acceptable behaviour contracts
This well established tool has been successfully used to tackle the early signs of anti-social behaviour, especially with young people. An acceptable behaviour contract is a written agreement between the council (and other agencies) and a perpetrator of anti-social behaviour. Good parenting contracts may also be used separately, or as part of an acceptable behaviour contract. These can either encourage parents to support the behaviour change, or directly address problem behaviour if parents are part of the anti-social behaviour issue. For children under 10 years old, a variant called a good promises agreement may be used instead.

Family intervention projects
Family intervention projects – also called intensive family support projects – combine intensive support and enforcement for perpetrators of anti-social behaviour and their families. They help to address the root causes of behaviour and offer incentives to change. Family intervention projects are part of the Developing Stronger Families programme delivered by North Yorkshire County Council.

Exclusions from our housing allocations scheme
In extreme cases North Yorkshire Home Choice, the housing allocations scheme, allows individuals to be excluded from accessing social housing. This will only happen if they are known to have a serious history of anti-social behaviour or have previously been responsible for a breach of tenancy which would have led to a possession order being granted.

Environmental improvements
We will also work to address environmental issues that have an impact on some anti-social behaviour problems, such as poor lighting. Residents have opportunities to work with us to identify areas where improvements are needed, for example through our quarterly Estate Walkabouts, and through their local Community Engagement Forum.

Powers available to landlords
There are a range of low-level interventions and preventative powers available to us as landlords, as well as to other landlords in the district. For our tenants, these are set out in the tenancy agreements.

6. Formal tools for dealing with anti-social behaviour
There are six formal tools to deal with anti-social behaviour, introduced by the Anti-social Behaviour, Crime and Policing Act 2014.

Injunctions
The new injunction for anti-social behaviour is much easier and quicker to obtain than previous tools. It allows authorities to prohibit certain actions, as well as outline a range of support options to change behaviour. Breaching an injunction would lead to civil sanctions.

Injunctions can be used to tackle anti-social behaviour committed by anyone over the age of 10, and different rules and sanctions apply to different age groups. Injunctions are granted by the county court for adults, and the youth court for 10–17 year olds. Breach of
an injunction by a 10–13 year old could be dealt with by imposition of a curfew or mandatory supervision, as well as a range of positive behavioural change activities. 14–17 year olds may also be detained in custody for up to three months. Adults could face up to two years in prison.

**Criminal Behaviour Orders**
These are available on conviction for any criminal offence. It carries stronger penalties than the injunction and includes support for offender to change their behaviour.

**Dispersal Powers**
Police officers are able to direct an individual away from a specified place and confiscate related items if the individual is engaging in anti-social behaviour.

**Community Protection Notices**
These are notices which impose requirements upon an individual or organisation in order to tackle a particular problem that negatively affects a community. If a problem is persistent and other methods of changing behaviour have been ineffective, a community protection notice may be issued. It could address problems such as an individual who persistently allows their dog to foul in public spaces, a group of friends who regularly get drunk and make noise, a takeaway which allows its customers to drop litter and make noise outside or skateboarders who use inappropriate places.

**Public Spaces Protection Orders**
These orders specifically deal with anti-social behaviour in a public place, and apply restrictions on how that space can be used. This includes designating alcohol-free areas in public, and restricting access to alleyways where anti-social behaviour is known to be commonplace.

**Closure of Premises**
The police and the council have the authority to temporarily close any property if there is a public nuisance or disorder. After a closure notice, no-one but the owner and normal resident would be allowed to enter the property. This makes it an effective tool against nightclubs which are the source of trouble in a community, or in residential areas where negotiation has failed to resolve issues around house parties. It may be used in more serious cases as well, such as premises used for drug dealing.

**7. Community trigger (case review)**
The community trigger is a mechanism for victims of persistent anti-social behaviour to request that relevant bodies undertake a case review.

A case review is triggered by the victim if they have reported at least three separate anti-social behaviour incidents to the council, the police, or their housing provider within a period of six months. The trigger must be applied for within six months of the report of anti-social behaviour, and each report must have been made within one month of the incident of anti-social behaviour.
It may be that victims only trigger a case review if they are dissatisfied; however, the community trigger is not a complaints process but rather an opportunity for better collaborative working between relevant authorities. It is expected that the majority of anti-social behaviour cases will be dealt with effectively within our service. We do have a separate complaints procedure, and we anticipate that our partners and relevant authorities do as well.

A case review would entail the relevant bodies sharing information in relation to the case, discussing what action has previously been taken, and collectively deciding whether any further action could be taken. If it is identified that more could have been done to solve the victim’s issue then a new action plan will be put in place with agency support for the victim.

The trigger is intended to engage the most vulnerable people in our society, who may not normally contact the authorities or report incidents of anti-social behaviour. To encourage this, we nominate a role within the council to act as a single point of contact for a case review taking place as a result of the community trigger.

When the community trigger is activated, all the relevant case history must be gathered and a review panel assembled. In most circumstances this panel will be made up of representatives from each of the partner organisations, and may also include the youth offending team where appropriate.

The review panel consider the actions taken so far by each organisation as part of the case, and determine the adequacy of these actions. The panel may decide that inadequate action was taken, and recommend that further action be taken to resolve the case. The victim will be informed of any recommendations made, which will include timescales and individuals or organisations responsible for further action. The outcome of a meeting may also include recommendations about service provision more generally, so that identified gaps in the anti-social behaviour casework or the community trigger can be resolved and bridged.

Victims who activate the trigger can appeal if a case review is not undertaken. If a review is undertaken they may also appeal the decision and recommendations of the case review panel. Applicants wishing to appeal must first make an informal appeal to the panel itself, to see if a local solution can be agreed.

8. Support for complainants and witnesses

We recognise the importance of people who complain about anti-social behaviour; in many cases without their help action could not be taken. Therefore we make a commitment to support them whether they are victims or witnesses.

Good communication

We will ensure that all complaints are dealt with promptly, and that complainants are kept informed of what action can or cannot be taken, as well as any outcomes from legal proceedings.

Our community officers are proactive in offering advice and support throughout the development of a case, and there is always an officer available to help during office hours. If there is an emergency out of office hours, complainants should always contact the police.
Reducing risk
We will carry out a risk assessment if there is a risk to the victim or complainant of further harassment. There are a number of things we can do to keep victims safe, including:

- fit emergency alarms
- make properties more secure (we have an out of hours service for this)
- prioritising enforcement action against perpetrators who breach a court order
- arrange a temporary or permanent move
- in very rare circumstances our housing options team can help secure a move out of the area

9. Dealing with hate crime

“Hate crime is a crime where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised”

(Community Safety Partnership Strategy)

We consider hate crime to be very serious anti-social behaviour. Hate crime targets people and property because of difference – whether it is race, religion, age, disability, sexual orientation or gender and gender identity. Hate crime will not be tolerated and all cases will be dealt with as a priority.

Where a hate crime or incident is reported to us, we will contact the complainant the same day to discuss the incident, and will investigate it thoroughly. All complainants and witnesses will be supported throughout the investigation and will be dealt with in a supportive, sensitive way.

Vulnerable and disabled people in particular may also be the victim of so-called “mate crime”, where the victim may consider the perpetrators to be their friends. Such cases are often complex and our multi-party agencies will take a joint and considered approach.

10. Dealing with domestic abuse

Domestic violence has been defined as:

"Any violent or abusive behaviour – whether physical, sexual, psychological, emotional, verbal or financial – which is used by one adult to control and dominate another with whom they have or have had a personal or family relationship regardless of gender"

(Selby District Domestic Violence Forum)

Domestic abuse occurs across our society regardless of age, gender, sexual orientation, race or ethnic origin. When an incident of domestic abuse is reported to us, we will ensure wherever possible that the complainant is contacted the same day to agree an action plan. We will then ensure that an investigation is carried out and a resolution discussed.
We will work with our multi-agency partners to provide additional support. All complainants and witnesses will be supported throughout the investigation and will be dealt with in a supportive, sensitive way. Most importantly, any action taken will always be discussed with the complainant first.

We are an active member of the Multi Agency Risk Assessment Conferences (MARACs) that are held monthly, to help those at high risk of harm. We attend these meetings with a number of agencies including the police to prevent harm and to also bring about successful outcomes to cases, which may involve the prosecution of offenders.

11. Data protection and information sharing

Our treatment of personal data will comply with the requirements of the Data Protection Act 1998. Any personal information will only be shared as permitted by law.

A number of joint procedures and protocols have been developed with our partners in North Yorkshire including the police, social care, probation and prison services, North Yorkshire County Council, Craven, Richmondshire, Hambleton and Ryedale District Councils, and Scarborough and Harrogate Borough Councils. The procedures cover the following:

- Arrangements to provide suitable accommodation to young people leaving care
- Assessment of housing needs of homeless 16 and 17 year olds
- Families with children who are intentionally homeless or ineligible for assistance
- Safeguarding vulnerable adults
- Safeguarding children
- People with mental health, drug and alcohol problems
- Ex-offenders
- Ex-forces personnel
- North Yorkshire Data Sharing Protocol

12. Rehabilitation of vulnerable perpetrators of anti-social behaviour

In some cases, the conduct of perpetrators can be a consequence of drug/alcohol misuse, mental health or disability issues.

In these cases it may be appropriate to deal with the nuisance by offering support, which can often lead to a modification in behaviour and therefore an end to any further anti-social behaviour. People affected by these issues are all too often vulnerable themselves, and experience has shown that they can also be victims of anti-social behaviour. Where these issues arise we will always try to look at both rehabilitation and enforcement measures.

In less serious cases a lot of work can be undertaken with perpetrators and their families to modify their behaviour. This may involve mediation, working with support agencies and attending training courses. Officers will often arrange a multi-agency case conference to engage a number of support agencies. This can have a very positive effect upon behaviour and can result in legal action being avoided.
13. **Protection of staff**

Unfortunately, council staff investigating complaints of anti-social behaviour may from time to time be threatened, abused or physically harmed in the course of their duties.

Such threats against staff are criminal acts which will be reported to the police in addition to enforcement action that we take directly against the perpetrator. Anyone who attacks or abuses a member of staff, or threatens to, can expect action to follow; such behaviour is totally unacceptable.

14. **Training for staff**

All staff dealing with anti-social behaviour issues will receive guidance and training to make sure that they are fully aware of their responsibilities and have the necessary skills to carry them out.

15. **Monitoring**

With partners, we will monitor reports of anti-social behaviour and satisfaction with the way anti-social behaviour cases are dealt with. We will also monitor to ensure that complainants feel they are kept informed of progress.

We will also publish specific information relating to the new community trigger including data on how often the trigger is used and the outcomes achieved.

16. **Review of our policy and procedures**

This document will be subject to regular review every five years in partnership with other local agencies. However, in addition, new legislation or case law may also have an impact upon our work requiring an additional interim update or review.