

ANTI SOCIAL BEHAVIOUR POLICY

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1 REVISION/REVIEW SHEET

| Issue | Brief Description of Reason for Change | Document Owner | Date Issued |
|-------|--|----------------|-----------------------|
| 1 | Review of original April 2010 Document | Geraint Jones | August 2012 |
| 2 | Amendments to policy template | Geraint Jones | September 2012 |
| 3 | Amendments to paragraph 12.1 | Geraint Jones | May 2013 |
| 4 | Review of Policy in accordance with inception of ASB Crime & Policing Act 2014 | Geraint Jones | May 2015 |
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2 INTRODUCTION

- 2.1 In accordance with Section 218A of the Housing Act 1996, this Policy and Cartrefi Cymunedol Gwynedd's (CCG) Anti Social Behaviour Service Standards, sets out CCG's commitment to tackling anti social behaviour.
- 2.2 CCG recognises that anti social behaviour is a broad term used to describe day to day incidents of crime, nuisance and disorder that affect people's lives – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours.
- 2.3 Such a wide range of behaviours means that the responsibility for dealing with anti social behaviour is not exclusive to CCG, but shared between residents and a number of agencies, such as Police, Local Authority, Fire Service, other social landlords, and other partners as appropriate.

3 POLICY STATEMENT

- 3.1 The welfare, safety and well being of victims will be the main consideration at every stage of the process. This will ensure fair and consistent service to the public and timely appropriate action to tackle anti social behaviour
- 3.2 CCG will use effective case management in accordance with its Service Standards to underpin all activities relating to anti social behaviour, starting from when a complaint is received until the matter is closed
- 3.3 CCG's aim as a Landlord is to sustain tenancies. In most cases of anti social behaviour, early informal interventions will be considered to resolve problems as quickly as possible without recourse to legal action. Clear standards of behaviour will be established to reinforce the message that anti social behaviour will not be tolerated.
- 3.4 In some cases, for example where there is evidence of serious criminal behaviour, CCG may decide to take stronger enforcement measures at an early stage.

4 LEGISLATION

- 4.1 This policy has been prepared in accordance with the Welsh Assembly Government guidance for Local Authorities and Housing Associations relating to the publishing and implementing of anti social behaviour policies and procedures
- 4.2 Although the anti social behaviour Act 2003 gives extended powers to tackle anti social behaviour, there are a number of other wider obligations placed upon CCG by other legislation
- 4.3 CCG has various statutory tools and powers at its disposal to tackle anti social behaviour. Such powers are included in the Housing Act 1988, Housing Act 1996 and the Anti Social Behaviour Crime and Policing Act 2014.
- 4.4 CCG will comply with various legislation, such as the Equality Act 2010, when carrying out its duties. We will ensure that our policies and procedures are lawful and compatible with the statutory obligations placed upon us.

5 RESPONSIBILITIES

5.1 It is the role of the Neighbourhood Services Team to deal with anti social behaviour within CCG. The team works closely and liaises with other services within CCG such as the Customer Service Team, who are trained to provide signposting at the first point of contact.

6 DEFINITIONS OF ANTI SOCIAL BEHAVIOUR

6.1 The Anti Social Behaviour Crime and Policing Act defines anti social behaviour as:

- (a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person.”

6.2 A distinction needs to be drawn between petty low level nuisance and persistent and serious misconduct. CCG will satisfy itself that allegations made constitute anti social behaviour and are not made due to conflicting lifestyles.

6.3 Anti social behaviour can include:

- Noise
- Harassment / threats
- Garden nuisance
- Pets / Animals
- Drugs
- Communal Areas / Loitering
- Rubbish
- Vandalism
- Other criminal behaviour
- Domestic violence / abuse
- Vehicles
- Alcohol related
- Other violence
- Hate related incidents
- Prostitution / sex

6.4 The above is not a definitive list of categories. Its intention is to illustrate the type of behaviour involved.

7 PREVENTION AND ENFORCEMENT MEASURES

7.1 CCG staff have the discretion to determine the best course of action in dealing with anti social behaviour. A case by case approach is adopted and monitored in accordance with CCG's Service Standards. The following prevention and/or enforcement tools may be used:

7.1.1 Prevention measures

- (a) **Mediation** – may be offered in minor disputes, at an early stage before the situation escalates; for example between the tenants or occupiers of two households. Mediation is facilitated by suitably trained CCG staff from within the Neighbourhood Services Team who have not previously been dealing with the problem. External mediators may be instructed in cases where it is considered inappropriate for CCG Staff to undertake the mediation.
- (b) **Final Warning** – A written warning signed by the tenant and CCG setting out the tenancy conditions that have been breached and noting the behaviour complained about. The warning formally advises the tenant that any further reported breaches of the tenancy conditions will result in the commencement of Legal Action.
- (c) **Preventative Services** – Within the Gwynedd and Mon Youth Justice Service there is a Prevention Team that intervenes in cases where young people are committing anti social behaviour and are on the cusp of offending. Neighbourhood Services staff may refer a young person committing anti social behaviour to the prevention team. Engagement with the prevention team is voluntary following parental/guardian consent. The core aim of the service is to offer interventions to stop the anti social behaviour prior to the young person entering the Youth Justice System.
- (d) **Procedures within housing allocation** - In exceptional circumstances, CCG may exercise discretion to allocate properties outside of the normal letting procedure e.g. where a tenant is subject to victimisation because he or she is witness to a crime or anti social behaviour and needs to be moved for his/her/their safety.
- (e) **Multi Agency Meetings** - CCG may request a meeting between Local Stakeholders involved in a particular problem so that together, they can draw up an action plan to address the problem.

7.1.2 **Enforcement Measures** - CCG's Policy is to try and resolve problems as quickly as possible and whenever appropriate without recourse to legal action. However the Association does have the following Enforcement measures at its disposal to tackle anti social behaviour:

- (a) **Injunctions** - CCG can apply for an injunction against someone who is responsible for anti social behaviour, provided that the behaviour relates

directly or indirectly to CCG's housing management functions. An injunction can prohibit the person in respect of whom it is granted from engaging in certain activity e.g. not to play music so loudly that it can be heard from outside the property. An injunction can also require a person to engage in certain activities e.g. attend anger management classes. An injunction can exclude a person from a particular area, including his/her own home and a power of arrest can be attached to certain terms of an injunction.

- (b) **Undertakings** – When a person makes a promise to the court not to behave in a certain way. An undertaking is similar to an Injunction in that, if it is broken, it is contempt of court and an application can be made for committal to prison.
- (c) **Demotion Order** - Demotion orders can be sought against assured tenants on the basis of nuisance or unlawful use of a premises. A demotion order will last for 12 months and during that time; a tenant loses many of the rights of an assured tenant including the right to buy and the right to mutual exchange.
- (d) **Possession proceedings against assured Tenants** - An application can be made to the local County Court (after serving a notice of intention to seek possession) for a possession order. The landlord will need to establish one of the grounds for possession contained within Schedule 2 of the Housing Act 1988 and also that it is reasonable to make an order.
- (e) **Possession proceedings against assured shorthold Tenants** – An application can be made to the local County Court (after service of notice) for a possession order.
- (f) **Environmental Protection Act 1990** - In cases of noise nuisance, a referral may be made to the Local Authority's Environmental Health Department.

7.2 CCG is aware that when taking legal proceedings it should comply with the requirements of the legislation listed in paragraph 4 of this policy.

8 SUPPORT FOR VICTIMS AND WITNESSES

8.1 CCG understands the important role that complainants and witnesses play in detection, prevention and action against anti social behaviour and crimes. Therefore we will deal with all complaints promptly and keep complainants informed of all developments relating to their case. The Officer dealing with the case will offer advice and support to complainants in accordance with the NSs01 Anti Social Behaviour Service Standards. We do not underestimate the level of fear and intimidation that witnesses and victims have to live with. The safety and wellbeing of witnesses and victims comes first in all cases.

8.2 Support can be offered to witnesses and victims by neighbourhood services staff, or if appropriate by a relevant Support Agency. In cases that progress to a Court hearing, CCG can request a quiet place separate from the Defendant to wait

before and during the hearing. CCG will ensure that all witnesses are aware of the process involved and where appropriate, arrangements will be made for the witness to meet the Association's Legal representative prior to the hearing day.

9 SUPPORT FOR VULNERABLE TENANTS AND REHABILITATION OF PERPETRATORS

9.1 CCG's aim is to prevent the anti social behaviour from reoccurring. The evidence in each case will be investigated to ascertain whether there is an underlying cause for the behaviour, for example:

- A clash of lifestyles
- Historical disputes between families
- Breakdown in relationships
- School truancy / exclusion issues
- Mental Illness / learning difficulties
- Substance misuse / dependency
- CCG will offer support to the underlying causes and / or refer the perpetrator to supporting agencies
- If a vulnerable person is perceived to be at risk of significant harm CCG will disclose to other relevant agencies or persons in accordance with the H&Spol34 Safeguarding Vulnerable Groups Policy

9.2 With problems involving children and young people, attempts shall be made to identify the underlying cause of their anti social behaviour and involve their parents / guardians to try and change their behaviour. Relevant cases can be referred to the Social Services Department, Youth Justice Service and Education Welfare / schools service.

10 DRUGS

10.1 CCG has a zero tolerance approach to the use of its properties and estates for the keeping and/or use and/or supply and/or production of illegal substances, including controlled drugs (as defined by the Misuse of Drugs Act 1971). CCG will take action against any person whom is found to have used (whether by him or herself or by instructing, encouraging or permitting any other person) its property or land for such purposes. CCG have the discretion to decide what course of action to take in such circumstances.

11 DOMESTIC VIOLENCE

11.1 CCG will not tolerate Domestic Violence. We recognise Domestic violence as a crime and a breach of tenancy conditions. The Association is represented on the Gwynedd Domestic Violence Forum as well as the monthly Domestic Violence

MARAC (Multi Agency Risk Assessment Conference) which is coordinated by North Wales Police.

11.2 CCG will act in accordance with our TSpol01 Domestic Violence Policy and work with the Police and other agencies to utilise legal powers, including where appropriate, the provisions within the Housing Act 1988 or the ASB Crime & Policing Act 2014 to address domestic violence offenders.

11.3 We will aim to:

- Offer support through related partner agencies
- Provide temporary alternative accommodation when necessary
- Re house victims if appropriate
- Work with other agencies to secure a positive outcome
- Work with the Police family protection unit where enforcement action is necessary

12 HATE AND RACE CRIME

12.1 CCG will not tolerate any individual being targeted and subjected to hate crime and or harassment. This includes harassment on the grounds of gender, sexual orientation, religion, ethnic origin, disability, nationality or any other grounds.

12.2 Although the procedure for tackling racial harassment has much in common with the general aspect of anti social behaviour, it is important to make a distinction between the two. CCG will refer to the guidelines set out in it's E&Dpol01 Equality & Diversity Policy as well as the NSpol01 Anti Social Behaviour policy

12.3 CCG identifies racial harassment as a deliberate and premeditated act against someone, causing severe distress solely based on their ethnic origin. The feature that distinguishes racial incidents from ordinary crime and anti social behaviour is the element of racial motivation.

12.4 It is a crime as well as a breach of Tenancy Conditions. Therefore co-operation with the Police will ensure that the most effective measures are taken in respect of the offenders.

13 DISABILITY DISCRIMINATION

13.1 CCG is aware of the needs of people with disabilities and/or mental health problems, whether they are the victim or the perpetrator. Partner agencies with specialist knowledge and expertise will be consulted to ensure the needs of the individual are met. CCG will refer to it's E&Dpol01 Equality & Diversity Policy when dealing with issues pertaining to Disability Discrimination

14 CROSS TENURE ISSUES

14.1 If a complaint is made to CCG where no party is a Tenant of the Association, we may refer the matter to another agency for example Police, Environmental Health or the Community Safety Partnership.

14.2 In cases where a complaint relates to a Tenant of another Registered Social Landlord, CCG will consult with or refer the matter to the relevant Landlord.

15 CONFIDENTIALITY, DATA SHARING AND DATA PROTECTION

15.1 CCG has signed up to the North Wales Community Safety information sharing protocol, under the provision of Section 115 of the Crime & Disorder Act 1998. There is also a Memorandum of Understanding between CCG and North Wales Police for the sharing of information. The Association is committed to abide by the terms of Data Sharing agreements as well as any relevant legislation.

15.2 When information or complaints are received anonymously, care will be taken to ensure that the information is not false or malicious.

16 STAFF TRAINING

16.1 CCG staff who deal with anti social behaviour are trained appropriately. Training updates and seminars are attended when changes in ASB legislation occur, or when managers or staff identify a training need. Staff will also have received training as to the preparation of files for court cases and statement taking.

17 PROTECTION OF STAFF

17.1 As will all staff, the wellbeing of Housing Services staff and their health and safety is taken very seriously, and a number of measures are in place to safeguard staff which include:

- Lone working procedures
- Joint visits with other staff members and/or Police
- Issue of mobile phones and personal alarms
- Role Risk Assessments
- Issue of Personal Protection Equipment (PPE)

17.2 Incidents where staff are threatened, abused or even harmed are taken very seriously, and we will take the necessary action to deal with such incidents using the powers available. In all cases where the wellbeing and the health and safety of staff are compromised, the matter will be reported to the Police.

18 EQUALITY AND DIVERSITY

18.1 CCG recognises that anti social behaviour may include racial harassment and other forms of harassment motivated by prejudice, the E&Dpol01 CCG Equality and Diversity Policy applies to all aspects of our work including Service Delivery. The policy states that everyone will have equal opportunity when accessing services. When applying this policy, tenants subjected to targeted anti social behaviour in respect of hate, race and disability discrimination will be offered a range of support arrangements, depending on the victim's needs in line with the Service Standards.

19. REFERENCES

- Housing Act 1988
- Housing Act 1996
- Anti Social Behaviour Act 2003
- Anti Social Behaviour, Crime & policing Act 2014
- Equality Act 2010
- Environmental Protection Act 1990
- Misuse of Drugs Act 1971
- Crime & Disorder Act 1998

20 REVIEW

- 20.1 This procedure will be reviewed every 3 years, or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant CCG policy.

SCHEDULE 1

ANTI SOCIAL BEHAVIOUR STATEMENT OF PROCEDURES

1 Introduction

- 1.1 CCG expects a certain standard of behaviour from its tenants, those living with them (including children) and their visitors. CCG aims to work in partnership to tackle anti social behaviour, resolve local issues and improve neighbourhoods.
- 1.2 The Anti Social Behaviour Crime and Policing Act 2014 defines anti social behaviour as
- “(a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person.”
- 1.3 A distinction needs to be drawn between petty low level nuisance and persistent and serious misconduct. CCG will satisfy itself that allegations constitute anti social behaviour and are not conflicting lifestyles.
- 1.4 This document explains how and when to report anti-social behaviour to CCG, and what may be done to rectify the situation.

2 Making a complaint of anti social behaviour

2.1 **By Phone or in person at our offices:**

- 2.2 Reporting anti social behaviour by telephone:
- 2.3 You can report anti social behaviour by telephone to CCG between the hours of 08.00am and 6.00pm Monday to Friday (excluding bank holidays).
- 2.4 If you wish to make a complaint outside office hours, you should initially contact North Wales Police on **101** to report the matter but should also contact CCG as soon as possible to inform them of the incident.
- 2.5 If you believe that the anti social behaviour is of a criminal nature, or may lead to a crime being committed, then you should contact North Wales Police immediately on **999**.

2.6 **Methods by which you can make a complaint of ASB**

- 2.7 You can make a complaint verbally, in writing or via a third party (e.g. Councillor). Written complaints should be marked for the attention of the Neighbourhood Services Officer for your area and sent by post or e-mail to:
- Post - CCG, PO BOX 206, Bangor, Gwynedd, LL57 9DS
 - E-mail - ymholiadau@ccgwynedd.org.uk

3 Processing a complaint of anti social behaviour

3.1 CCG will aim to:

3.2 Deal with your complaint promptly

- When you register a complaint by telephone, our Contact Centre Staff will try and deal with your complaint. If it is of a complex nature, you will be referred to the Neighbourhood Services Team
- Have a member of the Neighbourhood Services Team contact you within 1 day of receiving your complaint
- Formally acknowledge your complaint in writing within 5 working days
- Interview you within 5 working days to obtain full details of your complaint of anti social behaviour. This may be done face to face or by telephone in some cases, dependent on the nature of the complaint.
- Interview you within 3 working days if your complaint involves hate crime, domestic abuse or serious anti social behaviour.
- Provide advice and support if you become involved in a dispute with a neighbour, and where appropriate offer to mediate.

3.3 Be clear about what we can do

- Arrange to visit you to discuss matters in the privacy of your own home, or if you prefer, at any of our Area Offices
- Advise you what we are able to do to deal with the problem, and also establish what we can't do
- Work with you to set out an action plan, outlining what will be done and by whom
- Treat information and or complaints as confidential when requested to do so
- If appropriate, work with you to try and resolve the problem, explaining clearly to you what will happen at each stage of the case
- Contact and interview the people responsible for the anti social behaviour where they have been identified within 10 working days of interviewing the person who made the complaint
- Consider the case for offering mediation if all parties involved agree
- Offer advice and signposting to other more appropriate agencies when we cannot help

3.4 Make sure you are supported

- Offer support to the person complaining of anti social behaviour, and to other witnesses or people affected, by informing you of a nominated officer to deal

with your case, and arrange visits and phone calls from our Community Wardens.

- If vulnerable people are involved as victims or perpetrators we may offer support to both the complainant and the person causing the anti social behaviour e.g. where there are issues such as mental health to consider
- Explain clearly the procedure to witnesses where cases are referred for Legal action and ultimately to Court
- Arrange for you to speak to our Legal team personally where possible
- Provide you with diary sheets to record details of any incident you experience or witness. This information will help us decide on a particular course of action and may also be used as evidence if a case progresses to court.

3.5 **Work with other agencies**

3.6 CCG will aim to work with others to try and resolve the situation. They may contact other statutory agencies and partners to share information that will help tackle the problem. These may include e.g. Police, Social Services, Community Mental Health Team or Women's Aid.

4 **Options available to CCG**

4.1 There are a range of legal and non-legal actions available to CCG. These include, but are not limited to:

- **Mediation** – may be offered in minor disputes, at an early stage before the situation escalates.
- **Final Warning** – A written warning signed by the tenant and CCG setting out the tenancy conditions that have been breached and noting the behaviour complained of.
- **Preventative Services** – In cases where young people are committing anti social behaviour CCG may refer a young person to the Prevention Team. The core aim of the service is to offer interventions to stop the anti social behaviour prior to the young person entering the Youth Justice System.
- **Housing Injunctions** – CCG could apply for an Injunction against someone whose behaviour is capable of causing nuisance or annoyance to specified individuals. Injunctions can also be used to prevent the use or threatened use of premises for unlawful purposes, for example, handling stolen goods. CCG can also apply for an exclusion order and/or a power of arrest in appropriate cases.
- **Undertakings** – When a person makes a promise to the court not to behave in a certain way. An undertaking is similar to an Injunction in that, if it is broken, it is contempt of court and an application can be made for committal to prison.

- **Demotion Order** – An order of Court by which an assured tenant loses many of the rights of an assured tenant for a period of twelve months. CCG could serve a notice of proceedings for possession at any time during the twelve months.
- **Possession proceedings** - Seek to have the tenant evicted.
- **Environmental Protection Act 1990** - In cases of noise nuisance, a referral may be made to the Local Authority's Environmental Health Department.

4.2 CCG may combine the tools available in order to get the result that they need.

5 Closing cases

5.1 CCG will close cases where either:

The Case is Resolved – The matter is resolved and is no longer a cause for concern

Or

The case is unresolved – as the complainant does not maintain contact and requested evidence is not provided, or at the complainants request we take no further action

6 Monitoring of service provided by CCG

6.1 CCG will monitor anti social behaviour and the service we provide to tackle it. We will use performance measures as well as feedback from service users to ensure continuous improvement of the Service

6.2 The performance of the Neighbourhood Service Team is subject to a quarterly monitoring report, which is scrutinised by CCG's Operations Committee & Management Team.

6.3 External monitoring of the service is done by way of a Service User Questionnaire, completed by way of a telephone call upon case closure.

6.4 If you are not happy with the service you receive following the report of an incident of anti social behaviour, CCG will:

- Refer you to the complaints policy
- Allow you to register your complaint in a number of ways e.g. by phone, letter, email or in person at any of our offices
- Refer your complaint to our Customer Service Manager to be investigated.

7 Data Collection

7.1 When requesting information, or giving information to other agencies, e.g. the Police, CCG will adhere to agreed protocols. The exception to this is where it is considered that an individual is at risk in any situation or if there is a high risk of serious harm to anyone in the situation described. Information will not be given to third parties who are not involved in the case without the express permission of the

complainant, however we have a duty of disclosure where a matter of significant risk or harm is identified in accordance with CCG's H&Spol34 - Safeguarding Vulnerable Groups Policy.

8 EQUALITY AND DIVERSITY

- 8.1 CCG recognises that anti social behaviour may include racial harassment and other forms of harassment motivated by prejudice, the CCG's E&Dpol01 - Equality and Diversity Policy applies to all aspects of our work including Service Delivery, the policy states that everyone will have equal opportunity when accessing services. When applying this policy, tenants subjected to targeted anti social behaviour in respect of hate, race and disability discrimination will be offered a range of support arrangements, depending on the victim's needs in line with the service standards.

9 REVIEW

- 9.1 This procedure will be reviewed every 3 years, or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant CCG Policy.