



South Holland District Council

Anti-Social Behaviour Policy and Procedures

September 2013

Community Development

Document Control and History

Version Control			
Issue No.	Author	Issue Date	Reasons for Issue
1	Dee Bedford	September 2013	Anti-Social Behaviour Policy needed to be reviewed as last Policy was written in 2004

Approval of draft and final approval process			
Issue No.	Approval Process	Name	Signature and Date

¹ Revision Schedule			
Issue No.	Approval Process	Name	Signature and Date

² Added to Policy Register		
Yes/No	Policy Officer Signature and Date	Signature and Date

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Introduction

The Anti-Social Behaviour Policy ensures that the Council has a corporate approach to dealing with victims of Anti-Social Behaviour.

Scope – Policy Aim

The aim of this Policy is to provide guidance to officers responsible for the enforcement of Anti-Social Behaviour and explain to and inform employees and the public how the Council will enforce the legislation available.

Legislation or Executive Summary

Section 218a of the Housing Act 1996 inserted by Section 12 Anti-Social Behaviour Act 2003 required Landlords that are local housing authorities to prepare and publish policies and procedures in relation to Anti-Social Behaviour. This Authority has taken the view that the legislation should cover all areas and activities that impact on residents and communities. Therefore these Policies and Procedures should support the priorities of The Council, its corporate aims and objectives.

The way in which Anti-Social Behaviour is viewed has significantly changed over the last 10 years and the Council remains committed to its reduction. The Council is committed to supporting victims of Anti-Social Behaviour and ensuring that they are treated with respect and that their complaints of Anti-Social Behaviour are taken seriously.

Lincolnshire Community Safety Partnership agreed 'Anti-Social Behaviour' as one of its five Strategic Priorities which was also adopted locally by the East Lincolnshire Community Safety Partnership. The Council is represented at the Anti-Social Behaviour Strategic Management Board which feeds into Lincolnshire's Community Safety partnership.

In 2012 the first Police and Crime Commissioner, Alan Hardwick was elected and one of his main priorities within the Police and Crime Plan 2013-2017 was to reduce Anti-Social Behaviour across Lincolnshire. The plan also encourages the use of working in partnership in both preventing and responding to Anti-Social Behaviour. At South Holland District Council the reduction of repeat offenders, victims and locations are our focus and we work closely with partner agencies through the multi-agency case management system, Sentinel to achieve this.

The Council will continue to ensure that it acts on any changes by Government through it's latest change to legislation: The Anti-Social Behaviour, Crime and Policing Act which is expected to receive Royal Assent by the end of Spring 2014.

Policy Consultation and Consideration

This policy has been prepared using guidance from the Lincolnshire Anti-Social Behaviour Partnership Policy and also following discussions with other Council Services.

This policy has been reviewed by Policy Development Panel.

Policy Statement

1. Introduction

The term Anti-Social Behaviour is used to describe a wide range of nuisance, disorder and crime that affects people in their daily lives. Anti-Social Behaviour now sits alongside criminal behaviour due to its impact on an individual's quality of life.

There are a number of definitions for Anti-Social Behaviour however at South Holland District Council we largely follow the definition from the Crime and Disorder Act 1998,

“Any person acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons...”

2. Principles of enforcement

The overriding principle of enforcement and that which has been adopted by South Holland District Council is contained within the Office of the Deputy Prime Minister's Enforcement concordat. Any enforcement action that is taken has to be in the best interest of the public and the four principles of enforcement are:

1. Proportionality – the degree of enforcement action taken should be proportional to risk involved
2. Consistency – officers should take similar approach in similar circumstances to achieve similar outcomes
3. Transparency – making sure that our role is clear to agencies, employees and customers and that any advice given or action taken by enforcement officers is understood
4. Targeting – inspection priorities are aimed at the highest risk areas and we identify those responsible for controlling those risks

The Council will be guided by codes of practice issued under the various pieces of legislation. Any departure from this must be exceptional, capable of justification and approved by the Assistant Director of Democratic Services.

5. Enforcement Options

The Authority's Services may use a variety of means including education, advice and guidance, warning letters and or legal notices to ensure that individuals are made aware of their actions, responsibilities and what the outcome may be depending on the individual circumstances. The following actions may be taken:

1. No action necessary
2. Mediation
3. Informal action – written or verbal advice
4. Issuing of formal notices
5. Use of formal cautions
6. Seizure of equipment
7. Direct action
8. Prosecution

6. Enforcement options specific to available legislation

The options available for the enforcement of Anti-Social Behaviour are contained primarily with the Housing Act 1996, the Crime and Disorder Act 1998 and the Anti-Social Behaviour Act 2003.

Where there are serious cases of Anti-Social Behaviour and it is proportionate, the following remedies can currently be applied:

1. Acceptable Behaviour Contracts (ABC)

These are voluntary written contract between an individual, local authority and the Police. Under the contract, a person agrees not to be involved in certain specified anti-social acts and agrees to a range of undertakings. The contract is not legally binding and usually lasts for six months, subject to review.

2. Anti-Social Behaviour Orders (ASBO)

Under Section 1, Crime and Disorder Act 1998, Anti-Social Behaviour Orders are legally defined court orders designed to prevent persistent anti-social behaviour. They have effect for a period of not less than two years and if breached, a prison sentence of between six months to five years depending on the severity of the breach, can be imposed along with a fine and or a community order. It should also be noted that the imposition of a conditional discharge is specifically precluded by section 11 of the Act.

3. Post Conviction Anti-Social Behaviour Orders (CRASBO)

Where a person has been convicted of a relevant offence in the criminal courts, the convicting court can, under Section 1c of the Crime and Disorder Act 1998, as amended by Section 64 of the Police Reform Act 2002, make an order that is equivalent to an Anti-Social Behaviour Order, prohibiting the defendant from doing anything specified in the order.

4. Injunction and Exclusion Orders

Injunctions and exclusion orders under sections 153a, 153b, 153c or 153d of the Housing Act 1996. Injunctions were introduced to prevent anti-social behaviour, unlawful use of premises and breaches of tenancy agreements. The Injunction can force the perpetrator to do something and or forbid a further breach of the tenancy. The length of the order is left to the discretion of the judge, however it is likely to not exceed twelve months and will only take affect once personally served upon the perpetrator. Injunctions can also be obtained under Section 222 of the Local Government Act 1972.

5. Demoted Tenancies

Where a tenant, household member or visitor to their address is guilty of Anti-Social Behaviour, the local housing authority will be able to apply to the court for their tenancy to be demoted (which removes certain privileges of a secure tenancy).

6. Possession Orders

Possession can be sought under ground 2, schedule 2 of the Housing Act 1985, as substituted by Section 144 of the Housing Act 1996.

Ground 2 – The tenant or a person residing in or visiting the dwelling-house:

1.

- b) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- b) has been convicted of –
 - i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
 - ii) an arrestable offence committed in, or in the locality of the dwelling-house

Any other legal action which could be taken with the support of the Police or the Local Authority.

These powers will be reviewed when the Anti-Social Behaviour, Crime and Policing Act receives Royal Assent.

7. Services provided by South Holland District Council

A range of services are available to deal with Anti-Social Behaviour as follows:

a) Community Development Team

The Community Development Team aims to reduce anti-social behaviour by working in partnership with a number of key

agencies such as the Police, other statutory agencies, Registered Social Landlords, education, social services, victim support, probation, and others depending upon the nature of the problem.

The Community Development team will deal with cases of Anti-Social Behaviour where the alleged perpetrator is private rented or own their own home.

The Community Development Team will provide training and support to staff and other external bodies on issues around anti-social behaviour and will :

- iii) Log all cases of anti-social behaviour on the multi-agency case management system, Sentinel
- iv) Complete risk assessment for all victims of anti-social behaviour
- v) Review individual cases of anti-social behaviour and take appropriate enforcement action
- vi) Develop and implement anti-social behaviour policies and procedures
- vii) Refer cases to the Anti-Social Behaviour Action Group
- viii) Refer cases to and co-ordinate the Anti-Social Behaviour Risk Assessment Conference
- ix) Help strengthen community partnerships

b) Housing Operational Team

Support will include direct contact with a member of the Housing Management Team within the Housing Operational Team. The Housing Management Officer has the overall responsibility for coordinating the Landlord Services and enforcing the terms and conditions of the tenancy. The Housing Management Team will generally be the first point of contact and will make an initial assessment as to the severity of the problem and the appropriate course of action.

The Housing Management team will deal with cases of Anti-Social Behaviour where the alleged perpetrator is a Council tenant.

They will also:

- i) Log all cases of anti-social behaviour on the multi-agency case management system, Sentinel
- ii) Complete Risk Assessment for all victims of anti-social behaviour
- iii) Review individual cases of anti-social behaviour and take appropriate enforcement action
- iv) Refer cases to the Anti-Social Behaviour Action Group
- v) Refer cases to the Anti-Social Behaviour Risk Assessment Conference

c) Environmental Protection

Environmental Protection deal directly with statutory nuisance including:

- i) Noise Nuisance
- ii) Atmospheric Pollution
- iii) Light Pollution
- iv) Bonfires

They will also carry out the following:

- i) Log all cases of anti-social behaviour on the multi-agency case management system, Sentinel
- ii) Complete risk assessments for all victims of anti-social behaviour
- iii) Review individual cases of anti-social behaviour and take appropriate enforcement action
- iv) Refer cases to the Anti-Social Behaviour Action Group
- v) Refer cases to the Anti-Social Behaviour Risk Assessment Conference

d) Other Council Enforcement

There are other types of Anti-Social Behaviour that affect South Holland communities that do not need to be dealt with through case management. These are issues that are tackled individually.

These include:

- i) Refuse/Recycling presentation problems
- ii) Abandoned Vehicles
- iii) Fly tipping
- iv) Litter
- v) High Hedges
- vi) Graffiti
- vii) Fly-posting and unauthorized advertising

e) Referral to the other enforcement agencies

Where the enforcement action is outside of the local authority's remit, the following agencies may be contacted:

- i) Police – Criminal activities and Anti-Social Behaviour that is not covered by the Council
- ii) Education
- iii) Registered Social Landlords
- iv) Environment Agency

f) Private Land Owners

The Council will work with private land owners where we cannot take direct action with the legislation available to us as an Authority.

g) Referral to Support or Advice Agencies

- i) Victim Support
- ii) Mediation
- iii) Community Development Projects and Youth Workers
- iv) Social Services
- v) Drug and Alcohol referral services
- vi) Independent legal advice
- vii) Citizens Advice Bureau
- viii) Domestic Abuse services and support
- ix) Referral to Anti-Social Behaviour Action Group
- x) Referral to Anti-Social Behaviour Risk Assessment Conference

h) Risk Assessment Matrix

The Risk Assessment Matrix has been adopted to assist Anti-Social Behaviour case workers to assess the extent to which a victim is at risk of harm due to their experience of Anti-Social Behaviour. The matrix is a guidance tool, used in conjunction with a case worker's own judgment to ensure a thorough assessment is conducted. By identifying the factors that may be putting the victim at risk, tailored support can be offered to reduce the risk of harm.

All victims of anti-social behaviour will be risk assessed and will continue to be so until the case is closed to ensure correct support is offered throughout the case.

i) Role of Anti-Social Behaviour Action Group

The role of the Anti-Social Behaviour Action Group is to ensure that a coordinated approach is developed to resolve problems surrounding Anti-Social Behaviour. The group invites relevant agencies together to share and gather information.

All departments within South Holland District Council that are involved in case management attend the meetings to ensure that cases are dealt with as effectively and efficiently as possible.

J) Role of Anti-Social Behaviour Risk Assessment Conference

The Anti-Social Behaviour Risk Assessment Conference (ASBRAC) framework has been adopted by Community Safety Partnerships across the country.

It provides multi-agency meetings to consider and address the most complex and high risk cases and identify interventions, in accordance with statutory requirements. The Conference facilitates better information sharing and provides a transparent record of action taken to support the vulnerable victims in our communities. This coordinated response recognises that joint working can help partners to make the best use of their resources.

It offers a focal point for multi-agency activity to assist in the reduction of anti-social behaviour, thereby reducing the number of victims, the harm caused to them and the damage such activity does to our communities.

The impact of Anti-Social Behaviour and the harm caused can be dependent on factors such as the resilience of an individual/family, the support already in place and the level of repeat victimisation. This needs to be considered when risk assessing a victim to ensure that harm is identified and reduced. This is a clear message from the Home Office who have recognised the Anti-Social Behaviour Risk Assessment Conference process as good practice alongside effective case management.

Cases that are determined as high risk by scoring over 31 on the risk assessment matrix are referred to the conference along with those referred on professional judgment.

All departments within South Holland District Council that are involved in case management attend the meetings to ensure that cases are dealt with as effectively and efficiently as possible.

Implementation

The Community Development Manager is the responsible officer for the Anti-Social Behaviour Policy

This policy will be available to all staff dealing with case management at induction and on the intranet. Anti-Social Behaviour will be discussed in teams and any changes to the policy or procedures or examples of best practice will be disseminated across the organisation.

Management Control and Organisation

Customer Services in Compass Point Business Services will need to be aware of this policy.

Monitoring

This Policy and its Procedures will be reviewed every three years.

If changes to the policy or its procedures are needed due to changes in legislation, then these will be amended by the Anti-Social Behaviour Officer and be signed off by the Portfolio Holder with responsibility for Anti-Social Behaviour

Any change to the policy or its procedures will be notified to staff, elected members and volunteers. All policy revisions will be tracked accordingly.

Progress against the policy's aims and objectives will be reported annually to the Portfolio Holder with responsibility for Anti-Social Behaviour.

Related Policies and Strategies

- i) Regulatory Services Enforcement Policy
- ii) Violence to Staff Policy
- iii) Training and Development Policy
- iv) Recruitment and Retention Policy
- v) Equality and Diversity Policy
- vi) Data Protection Policy
- vii) Domestic Violence Policy
- v) Child Protection Policy
- vi) Terms and Conditions of Tenancy Policy
- vii) Allocations Policy

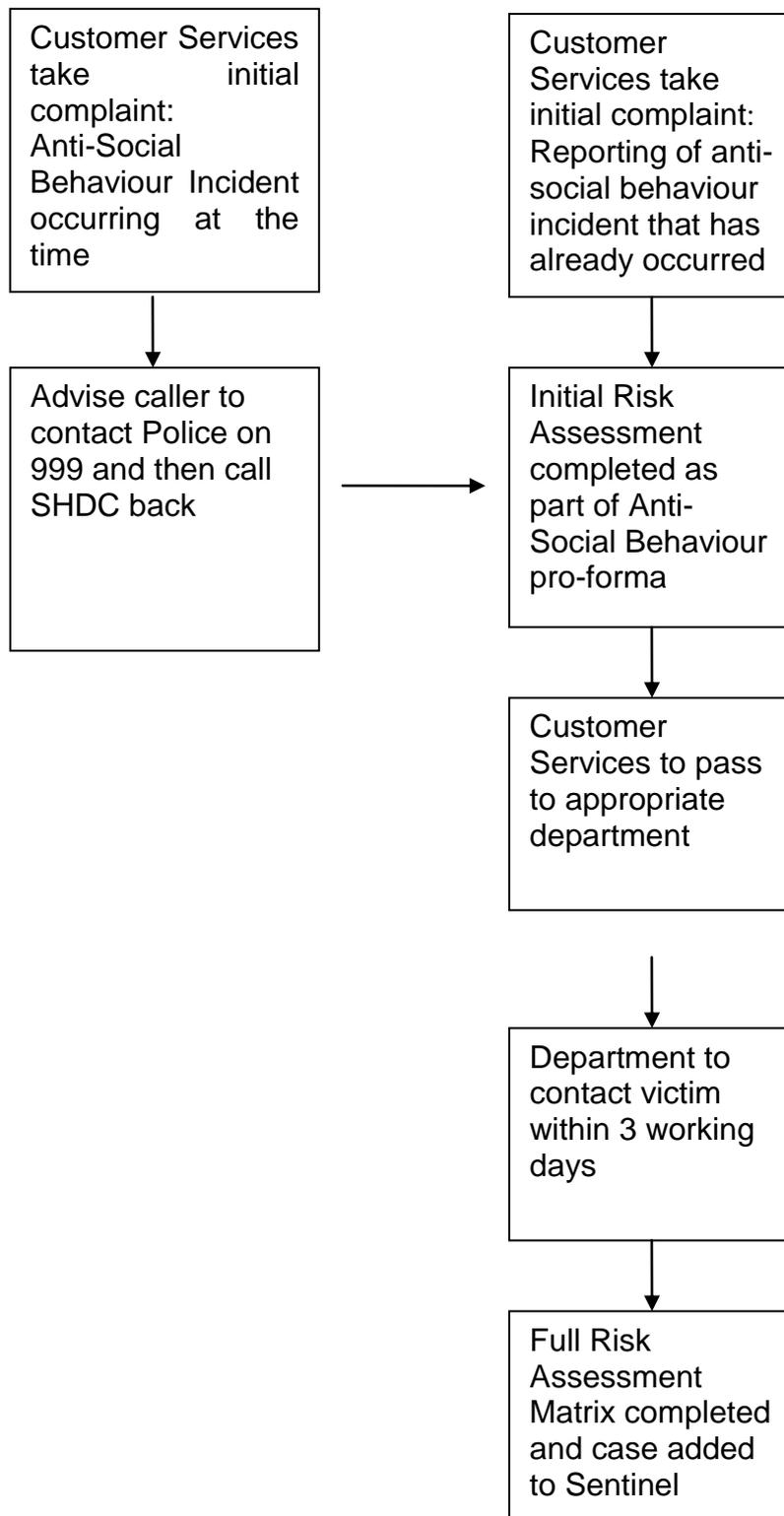
Appendices

APPENDIX A
APPENDIX B

Incident Response Flow Chart
Legislation and Guidance

APPENDIX A

ANTI-SOCIAL BEHAVIOUR INCIDENT RESPONSE FLOW CHART



Legislation

- The Police and Criminal Evidence Act 1984
<http://www.legislation.gov.uk/ukpga/1984/60/contents>
- Criminal Justice and Public Order Act 1994
<http://www.legislation.gov.uk/ukpga/1994/33/contents>
- The Data Protection Act 1998
www.legislation.gov.uk/ukpga/1998/29/contents
- Human Rights Act 1998
<http://www.legislation.gov.uk/ukpga/1998/42/contents>
- The Equality Act 2010
<http://www.legislation.gov.uk/all?title=equality%20act>
- Crime and Disorder Act 1998
<http://www.legislation.gov.uk/ukpga/1998/37/contents>
- The Criminal Justice Act 2003
<http://www.legislation.gov.uk/ukpga/2003/44/contents>
- The Anti-Social Behaviour Act 2003
<http://www.legislation.gov.uk/ukpga/2003/38/contents>

Guidance and Support

- Victim Support service in Lincolnshire
<http://www.totalvoicelincolnshire.org/>
- Lincolnshire Mediation
<http://www.lincs-mediation.co.uk/>
- Lincolnshire Safeguarding Children's Board
<http://www.lincolnshirelscb.org.uk>
- Addaction (Drug and Alcohol support service)
<http://www.addaction.org.uk>
- Drug and Alcohol Referral Team (DART)
<http://www.lpft.nhs.uk/health-professionals/dart>
- Citizens Advice Bureau
<http://www.citizensadvice.org.uk/>
- Framework (Homelessness support)
<http://www.frameworkha.org/>

Women's Aid (Domestic Abuse Support

<http://www.womensaid.org.uk/>

Families Working Together

<http://microsites.lincolnshire.gov.uk/children/partners/families-working-together/>

Lincolnshire Fire and Rescue

<http://microsites.lincolnshire.gov.uk/LFR>

Lincolnshire Police

<http://www.lincs.police.uk/>

Families Working Together

<http://microsites.lincolnshire.gov.uk/children/partners/families-working-together/>