

Uttlesford District Council Anti-Social Behaviour (ASB) Policy

1. Policy statement

Uttlesford District Council recognises that to enable them to provide a high quality housing service, the problems created by Anti-Social Behaviour need to be addressed in a fair but firm manner. Tenants are entitled to live in a quiet and peaceful environment and to that end Uttlesford District Council will endeavour to act quickly and efficiently to tackle incidents of Anti-Social Behaviour when necessary

Uttlesford District Council will not tolerate incidents of Anti-Social Behaviour and this will be made clear to all tenants, prospective tenants and residents of the district.

This policy applies to tenants and residents, their family and any other occupants and visitors. The same principles apply to members of staff and other people working on behalf of the council.

2. The Council's Aims

Uttlesford District Council aims to:

- Take firm action against any person found responsible for Anti -Social Behaviour
- Use a wide range of preventative and diversionary activities to help tackle incidents of Anti-Social Behaviour
- Work in partnership with other agencies and the local community to provide support for victims and witnesses of Anti-Social Behaviour
- share all relevant information on Anti-Social Behaviour with local partner agencies
- Meet all Data Protection Act and confidentiality requirements
- Consult and involve the local community in dealing with Anti-Social Behaviour
- Establish monitoring, evaluation and reporting systems and processes
- Promote our policy, raise awareness and publicise successful cases
- Provide appropriate training to staff to ensure they are able to deal effectively and professionally when dealing with Anti-Social Behaviour cases
- Provide tenancy support and floating support where appropriate and possible

Anti-Social Behaviour definitions.

Anti-Social Behaviour (ASB) is any conduct to which sections 153A(1) and 153B(2) of the 1996 Housing Act apply. These sections apply to conduct which;

- ***Is capable of causing nuisance or annoyance to any person; and***
- ***Directly or indirectly relates to or affects the housing management functions of a relevant landlord; or***
- ***Consist of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.***

This definition is the legal definition of Anti-Social Behaviour used by landlords of Social Housing. Due to the broad nature of this definition it allows the Local Authority to effectively tackle and take positive action relating to all complaints of Anti-Social Behaviour.

Uttlesford Community Safety Action Team has adopted the definition set out in the Crime and Disorder Act 1998 as;

“behaviour which causes or is likely to cause harassment, alarm or distress to one or more people who are not of the same household as the perpetrator”

A racist incident (a serious form of Anti-Social Behaviour) is defined as;

"any incident which is perceived to be racist by the victim or any other person" (Stephen Lawrence Inquiry 1999).

Examples of Anti Social Behaviour.

The following is a list of the types of behaviour Uttlesford District Council may consider to constitute Anti-Social Behaviour (N.B. this list is not exhaustive);

- Persistent unnecessary or excessive noise.
- Harassment on the grounds of age, gender, religion, race, colour, size, appearance, disability, sexual orientation, ability, cultural background, domestic circumstances, illness or lifestyle.
- Violence or threats of violence to any person (including domestic violence).
- Abuse or insulting words or behaviour (to staff, contractors, tenants or any other member of the community).

- Offensive drunkenness.
- Damage or threat of damage to property belonging to another person including damage to any part of a person's home.
- Writing graffiti and in particular graffiti which is abusive, threatening or insulting.
- Using or allowing the premises to be used for illegal or immoral activity, such as prostitution, handling drugs and handling or storing stolen goods.
- Any nuisance or annoyance caused by pets or other animals including barking (dogs) and fouling of footpaths or common areas
- Rubbish Dumping in gardens or outdoor areas of properties
- Abandoned vehicles.

Neighbour Nuisance

Although this can include some of the examples above, neighbour nuisance usually involves breaches of tenancy terms such as noise problems or unreasonable conduct that may require the involvement of statutory agencies. This nuisance may affect more than one person.

Preventing Anti-Social Behaviour

Uttlesford District Council believes that tackling the causes of Anti-Social Behaviour is key to creating communities where people chose to live. We will therefore, ensure that tenants are aware of their responsibilities, that the appropriate staff are fully equipped to deal with cases of Anti-Social Behaviour and that they work in partnership with other agencies to deliver a joined up approach.

Tenancy management/lettings

As part of the sign up process staff will explain to tenants their responsibilities with regard to behaviour as well as the organisation's responsibilities.

Uttlesford District Council will employ a sensitive approach to re-letting a vacant property or when nominating to a Housing Association when fulfilling its housing role.

Every effort will be made to ensure that people with 'support needs' are housed in appropriate accommodation in areas where they feel safe.

The Council will consider excluding applicants from Housing Registers, if there is robust case to demonstrate that prospective applicants are likely to cause anti social behaviour following proven previous incidents.

Tenancy support

Uttlesford District Council will provide appropriate assistance to vulnerable perpetrators or victims of Anti-Social Behaviour with tenancy support where required. This may mean a referral to another agency.

Mediation

Mediation can be an effective way of dealing with some cases of neighbour nuisance problems particularly where the conflict is between tenants and private residents. Uttlesford District Council will assist with mediation either directly or by referring neighbours in conflict to a neutral person or organisation, who will help people to listen to each other's point of view to find common ground, and to jointly agree ways of dealing with the problems.

Acceptable Behaviour Contracts

Uttlesford District Council will use Acceptable Behaviour Contracts (ABC's) as a way of encouraging and supporting tenants, residents, their families or visitors to change perpetrators' behaviour.

Community Development/Sustainable Communities

We will work with community development and employment projects to improve educational standards and reduce local unemployment.

Publicity and Prevention

Uttlesford District Council will work to prevent Anti-Social Behaviour and reassure tenants that action will be taken by promoting our policy, raising awareness and publicising successful cases. A leaflet is available which gives advice to tenants and residents if they are victims or witnesses of Anti-Social Behaviour. The leaflet can be made available in different languages and formats if requested.

Staff training

Uttlesford District Council will offer appropriate training to staff to be able to deal effectively with Anti -Social Behaviour.

Staff will receive compulsory training to help them identify Anti-Social Behaviour and more specifically incidents of racial harassment and deal effectively and sensitively with such incidents. This includes challenging any discriminatory language or behaviour when it occurs and reporting incidents of racial harassment if seen during other job duties e.g. racist graffiti on a site visit.

As part of the staff induction, training will be given on how to deal with anti-social behaviour reports and processing of cases.

Additional training to cover:

- Practical and emotional support to both victims and witnesses
- Awareness of local cultural diversity
- Interviewing skills to give staff the confidence to interview alleged perpetrators and witnesses

Enforcement

Uttlesford District Council believes that taking action against perpetrators of Anti-Social Behaviour sends a clear message to others that such behaviour will not be tolerated. Action may not be taken in all cases but may depend on the evidence available to support a case. If the perpetrator is an Uttlesford District Council tenant, action can be taken to enforce the tenancy agreement. In serious cases this could mean possession action or an injunction.

The Tenancy Agreement

Under the terms and conditions of Uttlesford District Councils tenancy agreements tenants are responsible for the behaviour of everyone (including children) living in or visiting their home and neighbourhood.

Upon moving into Council Housing the tenant will receive a tenants' handbook, which clearly outlines the rights and responsibilities placed on the tenant for the duration of his or her tenancy and the consequences of any breaches.

Acceptable Behaviour Contracts (ABC)

ABC's are voluntary written agreements between the person who has been involved with Anti-Social Behaviour and one or more local agencies whose role it is to prevent such behaviour usually the District Council and the Police. The contract will contain a number of Anti-Social Behaviour acts that the person has been involved in and agrees not to continue e.g.

- Not to be abusive, offensive, threatening or intimidating to members of the public.
- Not to cause criminal damage
- To attend school / college on a regular basis
- Not to be found drunk and disorderly in a public place
- Not to write graffiti

Positive measures may also be included to help improve their behaviour. The contract is not legally binding and usually lasts for six months.

If a person fails to attend the interview or does not agree to sign the contract may be used as evidence in Court if further action is taken.

If a person breaches the conditions of the contract, enforcement action may be taken and this may include seeking an Anti-Social Behaviour Order.

Anti-Social Behaviour Orders

Anti-Social Behaviour Orders were introduced by the Crime and Disorder Act 1998. They are Civil Orders designed to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress.

An ASBO is a community based order that involves local people in the collection of evidence as well as helping to enforce breaches.

The civil nature of the order enables hearsay evidence and professional witnesses to be used in Court enabling those reporting the Anti-Social Behaviour to be protected.

An Order will be in effect for a minimum of two years and if breached can carry a maximum sentence of five years imprisonment, a five thousand pound fine or both.

Injunctions

The Housing Act 1996 sections 153A, 153B, 153C and 153D enable social landlords to apply to the court for an injunction to prevent Anti-social behaviour, unlawful use of premises and breaches of the tenancy agreement.

An injunction is a civil remedy obtained through the County Court and either compels a person to do something or forbids a person from doing something

The injunction is effective for twelve months from being served. An injunction may be used to address the following;

- Car repairs on a persons property
- Untidy gardens
- Noise nuisance
- Damage or unauthorised alterations to property.

The Housing Act 1996 also allows for a power of arrest in relation to a breach or an anticipated breach of the terms of the tenancy agreement.

The Local Authority, in accordance with the Anti-Social Behaviour Act 2003 is able to injunct anyone, not just tenants, who is causing a nuisance which affects the way in which their property stock is managed

Demoted Tenancy

Sections 14 and 16 of the Anti-Social Behaviour Act allow the local housing authority to apply to the court for a demotion order, which when applied to a secure tenancy results in a non-secure tenancy. This removes the tenants 'Right to buy' and their security of tenure for a minimum of one year however,

if the behaviour of the tenant is modified within this period a new secure tenancy agreement will be issued.

Possession Orders

Possession proceedings for breaches of the tenancy agreement may be applied for where the Local Authority considers other Orders or Agreements to be inappropriate.

Support for victims of ASB

Housing support

A Housing Officer is available during normal office hours for Council tenants. This officer will normally be the first point of contact and will make an initial assessment of the severity of the problem. A home visit will be offered. The Housing Officer may work alongside the Anti-Social Behaviour Officer.

Uttlesford District Council will work with local agencies and community groups to help provide support, both practical and emotional, for victims of Anti-Social Behaviour.

Uttlesford District Council is committed to providing a high level of service to both victims and witnesses of Anti-Social Behaviour. The Council will consider using professional witnesses and hearsay evidence. The District Council recognises that racial and homophobic harassment is a serious offence and will remove racist, sexist and homophobic graffiti and carry out emergency repairs as a matter of urgency after an incident is reported. The District Council will keep the victims of Anti-Social Behaviour updated with action being taken.

Anti-Social Behaviour Officer

The Anti-Social Behaviour Officer works closely with the Police Anti –Social Behaviour support officers. The ASB Officer reports directly to the Community Safety Action Team who is responsible for co-ordinating the response to ASB in Uttlesford and also to provide guidance to the key agencies responsible for tackling ASB.

Environmental Health

The Environmental Health team have policies and procedures for dealing with environmental health issues. There are a number of enforcement issues available to them such as written warnings, seizure of equipment, abatement notices, fines and court proceedings. Examples of environmental nuisance are:

- Abandoned vehicles
- Litter/ Dumping rubbish

- Noise nuisance
- Fly-posting
- Graffiti
- Vandalism

Preventative and Diversionary Activities

A number of diversionary and preventative activities have been developed to help those young people at risk of offending by the Community Safety Team and the Community Development Services, within the District Council, with the support and knowledge of partner agencies.

- Young firefighters scheme
- Prison No Way
- Detached youth workers
- Sports outreach workers
- Mobile information bus

Producing and publicising the policy and procedures on how the District Council will deal with Anti-Social Behaviour, should help to reduce the incidents of ASB and help to alleviate the fear of such incidents occurring.

Partnership working

The Crime and Disorder Act places a statutory duty on the Police, District Councils and County Councils to work in partnership not only with each other, but with other key agencies to ensure the reduction of crime and the fear of crime within each District Council area – Crime Reduction Partnerships. The Crime Reduction Partnership within the Uttlesford area is known as the Uttlesford Community Safety Action Team (UCSAT) and is made up of the following agencies:

- Connexions service
- Social services
- Youth offending team
- Essex Fire Service
- Essex Probation Service
- Environmental Health services
- Essex Police
- PCT
- Voluntary and community sector
- Private and Public sector

Information Sharing

Where appropriate, Uttlesford District Council will share information with the Police and other key agencies under joint information exchange protocols so

that all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998. The District Council will also work to ensure that residents of the District are encouraged and are able to report incidents confident in the knowledge that they will be recorded and investigated.

The District Council will work within the Data protection act which provides a background for the sharing of information and the need for confidentiality and privacy.

Complaints Procedure

Where a tenant is dissatisfied with the response of Uttlesford District Council to their problem they may make a complaint through the Councils formal complaints procedure. Copies of the complaints procedure can be located in the District Council Offices.

Policy Review

The policy will be reviewed on a regular basis reflecting new legislation and lessons learnt.

Supporting Legislation:

- Data Protection Act 1998
- Crime and Disorder Act 1998
- Anti Social Behaviour Act 2003
- Police Reform Act 2002
- Police and Criminal Evidence Act (PACE)
- Mental Health Act 1983
- Environmental Protection Act 1990
- Criminal Justice and Police Act 2001
- Housing Act 1996
- The Noise and Statutory Nuisance Act 1993
- Children's Act 1989
- Harassment Act 1997
- Human Rights Act 1998
- Homelessness Act 2002
- Freedom of Information Act 2000
- Race Relations Act 1976

For further information and advice you can contact us below at:

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