

Anti-Social Behaviour Policy

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1. Why do we need an Anti Social Behaviour Policy?

Part 2 of Section 12 of the Anti Social Behaviour Act 2003 requires housing organisations to prepare a policy in relation to anti social behaviour and procedures for dealing with occurrences of anti social behaviour.

The policy provides guidance for staff, residents and leaseholders on how Bron Afon responds to complaints about anti social behaviour. This policy is directly linked to and should be read in conjunction with the following policies:-

- Domestic Abuse Policy
- Animal and Pets Policy
- Equality and Diversity Policy

2. What are the objectives of the Policy?

The objectives of this policy will be measured through surveys and monitoring of our effectiveness and are to:

- Enable all tenants and residents to feel safe and secure in their homes and communities.
- Allow individuals to live in homes and communities free from anti social behaviour
- Reduce the frequency of anti social behaviour.
- Support and assist those affected by anti social behaviour to minimise the impact on their lives.
- Persuade those responsible for anti social behaviour to modify their behaviour and establish improved relationships with their neighbours and communities.
- Help perpetrators of anti social behaviour and their families change their behaviour and live in harmony with their neighbours and community.
- Use minimum intervention against perpetrators of anti social behaviour required to persuade them to change their behaviour of Bron Afon.

We will thoroughly investigate all complaints of anti-social behaviour and neighbour nuisance, we will do this by:

- Taking appropriate & proportionate action against those perpetrators of nuisance or anti-social behaviour whether it is being caused by them, their visitors and/or their family.
- Providing as much support as possible to complainants and/or witnesses of anti-social behaviour. We will also support any perpetrator of anti-social behaviour who is vulnerable by referring them to specialist support agencies, recognising that it is possible to change poor behaviour to the point where it becomes acceptable.
- Recognising that prevention is better than cure. By adopting a multi-agency approach in tackling anti-social behaviour, encouraging the use of our independent mediation service and promoting early intervention, we aim to resolve the majority of anti-social behaviour complaints through non-legal means. We will closely monitor the quality of the service that we provide by setting challenging performance targets for staff as well as sending all complainants a customer satisfaction survey.
- We will seek to deliver an effective and efficient service and strive to offer best value for money by seeking good practice locally, regionally and nationally.

3. Who does the Policy cover?

This policy applies to our tenants and leaseholders, their visitors, our staff and contractors and anyone else who is living in, working in or visiting communities in Torfaen. As well as action taken to deal with incidents of anti-social behaviour, action will be taken against residents who harass their neighbours, members of our staff or our contractors. Similarly, staff who harass residents or their colleagues will be subject to our disciplinary procedures. Contractors who harass residents or staff may have their contract with us terminated.

Bron Afon Community Housing leaseholders are responsible for abiding by the terms of their lease and must not cause nuisance and annoyance to their neighbours, visitors or anyone conducting lawful activity in the vicinity of their property.

The application of this policy is the responsibility of all the staff who have a role to play in supporting its implementation.

4. What is the definition of Anti Social Behaviour?

As indicated above, we use the words “anti-social behaviour” to include crime, the legal definition of anti social behaviour, harassment including racial harassment, nuisance and breaches of tenancy.

Crime is defined by the criminal law. The law changes from time to time as the Government introduce additional crimes or modify legislation. For example drinking alcohol in designated public places was introduced as a new crime a few years ago.

The legal definition of “Anti social behaviour” is in the Crime and Disorder Act 1998 where it is defined as “acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household.” So the definition does not include domestic violence which is dealt with in a separate policy unless it impacts on someone outside the household. In practice, domestic violence will be covered by this policy in some cases because fights and arguments and harassment associated with domestic disputes frequently cause a nuisance and considerable distress to neighbours.

Harassment is targeted and deliberate. It therefore has a greater effect on the person or family against whom it is aimed. It may or may not be racially motivated or motivated by other prejudice which increases its seriousness still further.

Nuisance has a legal definition. It is behaving unreasonably in a way that affects others living nearby or using communal facilities. Whether behaviour is reasonable isn't based solely on the judgement of the person affected; it is an objective test of whether it is a reasonable use of the home or the communal areas.

Breaches of tenancy are defined by the wording of the tenancy agreement.

5. What is our approach to ASB?

Bron Afon considers anti-social behaviour unacceptable. Everyone has the right to the peaceful enjoyment of their home and their community and we will uphold this right through our policies. All tenants, licensees and leaseholders and their visitors must show consideration for their neighbours by complying with the terms of their tenancy

agreements, licences and leases; this includes ensuring that they do not carry out any form of anti-social behaviour, whether it be accidental, deliberate or personally motivated against someone because of their gender, sexuality, religion, disability, lifestyle, age, health status or appearance.

Anti-social behaviour will not be tolerated and where we can we will take quick effective action to tackle it and liaise with the Council and the Police to tackle it where we have no powers to do so.

We will seek to prevent anti-social behaviour through our allocations policies, effective communication with new and existing tenants, supporting vulnerable tenants, early intervention and through our community involvement and development activities.

We are committed to an approach that focuses on the needs of victims of anti social behaviour and we will support complainants/witnesses and will work with tenants and residents to resolve anti-social behaviour. In determining what action we will take under this policy, we will take account of any special factors that mean that anti social behaviour is having a more serious impact on the victim(s), for example the age or health of the victim.

In recognising the importance of supporting vulnerable people, we will refer anyone who we know or who we suspect has a vulnerability to a specialist Supporting People service, providing that the individual is willing to receive this support. This is regardless of whether they are the alleged perpetrator or the complainant.

When a complaint of anti-social behaviour is made against someone who we know or suspect is vulnerable, we will try to change or modify their behaviour by linking in with the support services. However, we will also make it clear that any failure to engage with this service may lead to legal action being taken against them to enforce their tenancy conditions.

We will use all available and appropriate services to deal with anti-social behaviour, including taking enforcement action where necessary.

We will work closely with the Police and Council on community safety issues as well as local communities and community organisations.

We will provide any support necessary to complainants and if serious risk of harm is identified this could include installation of CCTV and other security measures.

We will monitor the effectiveness of this policy and compare our performance with other councils and registered social landlords through some key performance indicators that will include:

- Surveying tenants and leaseholders (and other residents in liaison with the Council and Police) to measure their feeling of safety in communities.
- Monitoring incidents of anti social behaviour and trends.
- Monitoring our success in resolving incidents of anti social behaviour with minimum intervention.

We closely monitor the quality of the service that we provide by setting challenging performance targets for staff as well as contacting all complainants of closed cases in order to assess satisfaction levels.

6. How do we deal with ASB?

We will seek to prevent anti-social behaviour in a number of ways:

(a) Design and development

By the effective redesign of communal areas or new developments to reduce the potential for crime and disorder. The design process will be carried out in consultation and liaison with staff, residents and external partners and stakeholders such as the police.

Where possible, we will carry out estate improvements to reduce anti-social behaviour.

(b) Lettings

Through our allocations and transfer policies, we may modify policies on a local basis where this is demonstrably necessary to reduce problems of anti social behaviour and is permissible under the Regulatory Code.

Where an applicant for housing has been guilty of anti social behaviour we will consider temporary suspension from the waiting list of that applicant under S160 A 1996 Housing Act.

We will make prospective and new tenants aware both of their legal obligations with regard to anti-social behaviour and our approach to dealing with it.

(c) Effective communication

We will publicise our commitment to tackling anti-social behaviour through posters, leaflets, the internet, our resident's newsletter, as well as other appropriate mechanisms.

Where appropriate, we will publicise successful action against perpetrators in order to deter future incidents.

We will ensure that tenants and leaseholders are aware of their tenancy conditions

(d) Early intervention

We recognise that dealing with lower levels of anti-social behaviour at the outset can prevent problems escalating. This may include dealing with graffiti, rubbish, abandoned cars and vandalism or minor noise nuisance.

Where appropriate, we will encourage residents to deal with incidents initially themselves through advice and information and mediation. However, where this is not possible or successful, residents should be confident that we will investigate their complaints effectively and efficiently and take action appropriate to the circumstances of the case.

(e) Playing our part in the community; working with other agencies

In recognising the positive value that joint working will bring to reducing anti-social behaviour, we will, where they exist, join and work positively with, local forums or similar organisations, including the local police force, local crime and disorder reduction partnerships, the local authority, social services departments and local and/or national organisations, including signing up to joint protocols on information-sharing where they exist.

We will develop community initiatives, working with both residents and external agencies such as the police, in order to reduce or prevent anti-social behaviour.

Together with our partner agencies, we have also signed an **information sharing protocol** that enables us all to share appropriate and relevant information when dealing with cases of anti-social behaviour. All information is shared in line with the protocol and within the terms of the Data Protection Act 1998 and the Crime & Disorder Act 1998 (as amended).

We attend a number of multi agency forums aimed at strategically planning and targeting resources to prevent and reduce anti-social behaviour across the Borough of Torfaen. These forums include ASB multi agency problem solving groups.

The ASB problem solving groups process aims to apply a multi agency approach to problem solving ASB cases. This could involve joint action offering support and interventions for perpetrators through to enforcement measures such as ASB Injunctions, a demoted tenancy or eviction. In all cases we offer witnesses a support package and reassurance measures such as enhanced domestic security. We will exchange information regarding names, addresses, dates of birth of perpetrators and details of nuisance at this meeting and agree the most appropriate way forward. We will continue to keep the ASB problem solving group agencies updated on actions we are taking.

We will meet on a regular basis with partner agencies such as the Police and council departments to collectively target appropriate resources at emerging areas of crime and disorder.

Staff meet regularly in their area with the police and other agencies to discuss local problems affecting the community. Regular meetings are held with residents and their problems are prioritised. The problems usually reflect issues such as environmental issues, and ASB.

Officers will be honest with complainants from the very start. We will not make any promises that we cannot keep, for example, by assuring a complainant that a case will not go to court. We cannot predict the future.

We will **not** move complainants or perpetrators who are tenants of Bron Afon Community Housing as a means of resolving nuisance or anti-social behaviour (except in exceptional circumstances); we will deal with the nuisance.

The action that we will take will be reasonable and proportionate to the type of nuisance that has been reported and we will assume that all complaints are genuine, unless proven otherwise.

Complainants will be consulted prior to any action being taken and we will provide complainants with a regular update on the progress of their case (at least every 4 weeks). This will commence from the point of complaint and continue until resolution (and beyond if appropriate).

We will minimise the burden on complainants in collecting evidence, for example, we will where possible only ask for a short focussed use of diary sheets rather than prolonged

use with no clear outcomes. If we require an extended period of diary sheets we will explain why this is necessary.

We want to create a climate where people feel confident in coming forward with information, but where complainants wish to remain anonymous, we will nevertheless, still investigate the complaint. Complainants will be encouraged to give evidence as this is more convincing and persuasive and it may not always be possible to take action if a witness is not prepared to come forward. Where a situation warrants it, we will use CCTV and/or professional witnesses.

(f) Effective training for staff

We will provide appropriate training for all staff to understand the context of anti-social behaviour, to follow the procedures produced in respect of this policy, to provide appropriate support to victims and witnesses and to deal with and monitor incidents and action against offenders. Training will also include helping staff to cope with difficult people and dangerous situations and keeping staff up-to-date with current best practice and legislation. Taking action; supporting complainants and witnesses

(g) Assessment and judgement

Our whole approach to responding to anti social behaviour will be based on exercising judgement. Cases will be graded according to the grades in the Appendix and the grade will be re-evaluated whenever circumstances change. The action we will take in relation to each category is also set out in the Appendix. We assess any risk present at the initial complaint and regularly monitor the level of risk, adjusting our response according to any risk identified.

(h) A victim-centred approach

Reports of anti-social behaviour will be treated seriously in that an objective investigation will be carried out to establish the facts behind the reported incident before any judgement is made.

Where witnesses are required to give evidence in court we will provide a full explanation of what people should expect and offer a pre-court visit in advance of the hearing (where possible).

Witnesses can expect to receive the following support throughout court hearings:

- Transport to and from the court
- A separate waiting room for witnesses (where possible)
- An escort during the hearing (this will usually be the officer who has been managing the case).

In all cases that have been resolved following a court hearing, officers will continue to support witnesses for a period of time afterwards. The length of time required will vary for each case and it will be agreed with witnesses on an individual basis.

(i) Gathering evidence and tracking incidents

We will record, investigate, track and monitor reported incidents and will agree with complainants and witnesses a system and frequency of feedback so as to keep them informed of progress of key elements of the investigation and of any proposed action

against perpetrators. The investigation will seek to establish the nature and extent of reported incidents, the motivation, if any, behind them, the existence of any witnesses and the action we propose to take. Complainants and witnesses will be informed of a single contact person who will lead the investigation throughout and the names of substitutes to contact if that person is unavailable for any reason.

(j) Closing cases

We will close cases where the situation has been resolved & the complainant is happy for us to do so.

In certain circumstances, we will close cases even if the complainant does not want us to. If we are satisfied that we have done everything we can, that is reasonable and proportionate to resolve the complaint. We will record the reasons for closing cases and advise people about what they can do next.

We will not assume that a situation has improved if we have not heard from the complainant in a while. We will try and make contact with them before passing a case for closure. We will do this by writing to them, telephoning and / or conducting a home visit.

Only when all these have failed will a case be passed for closure on the grounds of no contact.

We will also close a case where the complainant has failed to respond to our requests for information.

(k) Improving the way we deal with complaints of ASB

We will try and make contact with complainants following closure of every complaint. We will use this feedback, where appropriate, to improve services.

7. How quickly should we respond to different types of behaviour?

The table is intended to assist understand the types of incidents we deal with, how we classify them, what an appropriate remedy might be and the service standards that we are expected to meet. Each case is different and is dealt with on its individual merits.

These gradings are based on initial assessments; if subsequent incidents either (in some cases) in increased frequency or in severity/motive are reported, then this can increase the grading. Gradings will be kept under constant review and re-evaluated whenever circumstances change.

The action that will be taken in response to these gradings within the timescales identified will be to:

- Contact the victim
- Identify and advise the victim of the named contact officer responsible for handling the case
- Consider whether senior managers need to be informed and inform them if appropriate
- Agree a first action plan with the victim; this action plan will include what further investigation will take place and when it will be done. (This action plan will be

regularly updated until the case is closed). Further details of what an action plan should contain will be included in procedures.

Types of behaviours, their grade and the way in which we will respond are attached as **Appendix 1**.

Quite clearly the term 'anti-social behaviour' includes a wide variety of behaviour that can blight the quality of community life. However, we do not classify as anti-social behaviour everything that is reported to us. For example:

- People mowing their lawns
- People vacuuming
- People walking across a wooden floor whilst wearing shoes
- People using washing machines
- Children falling out with each other
- Cooking smells
- Noise of a child playing in or near their own home
- Shift workers disturbed by everyday noise

All of the above are considered to be everyday living noises or minor lifestyle differences rather than anti-social behaviour. They will not therefore be investigated as such under the terms of this policy. This list is not exhaustive.

Although people are expected to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance. Even some of the examples used above could be a noise nuisance if they were to regularly occur late at night. Anyone in any doubt should contact us for advice and assistance. Children playing ball games is not considered to be anti-social behaviour. The government aims to encourage children to play outside as this will help to reduce childhood obesity, it is therefore recognised that unless those playing ball are engaged in other more serious nuisance, such as verbal abuse or criminal damage, we will not take action against children for playing ball games. This would be unreasonable and disproportionate.

We will also not generally fit "no ball games" signs to roads and highways as it is illegal for children to be playing in the road.

The remedies offered are considered on a case by case basis at the discretion of the investigating officer. Consideration is given to the gravity of the anti-social behaviour, the circumstances of the perpetrator, previous steps taken in relation to that perpetrator and the legal framework. Not all disposals will be suitable in every case, for example mediation will only be offered where both parties agree, there is no criminality, and where there is not an imbalance of power between the parties involved. Possession will only be sought as a last resort, except in very serious cases where the anti social behaviour is so serious that the only appropriate response is eviction.

People living in flats and or maisonettes

People in flats and maisonettes may have neighbours living to the side and either above or below them (or both). They also share halls, corridors, gardens and other facilities. As a result, more people living in flats and maisonettes are affected by a neighbours behaviour and lifestyle than those living in houses or bungalows. Because of this type of living, residents of flats and maisonettes have a greater

responsibility to make sure that their lifestyles do not unreasonably interfere with other people. There has to be a certain amount of give and take, but above all there should still be respect for each person to enjoy their home peacefully. Residents can live peacefully with each other if everyone acts with consideration for those around them.

8. How do we assess any risk?

Any risk factors present either with the behaviour reported, the circumstances of the complainant or perpetrator will be assessed at the time of the initial complaint and re-assessed throughout. Responses could be adjusted accordingly depending on the risk and the level of that risk.

9. What are the Equality and Diversity implications?

Anti social behaviour includes racial harassment and other forms of harassment motivated by prejudice. Targeted anti social behaviour is given a higher grade than untargeted behaviour and the range of support arrangements we will put in place may be different depending on the victim's needs.

10. What are the Community Involvement Implications?

A key response to sustained anti social behaviour in a particular area will be to involve local residents in discussions about the solution. We will have the resources to develop this approach.

11. What are the financial implications?

Anti social behaviour requires a high level of resources to respond effectively. The specialist Community Safety Team is included within the staffing structure and business plan and we expect a significant part of the community housing officers work to involve tackling anti social behaviour too. We will work with other landlords to review our approach and ensure value for money.

Document history	
Version number	2.0
Date approved	30 June 2011
Approved by	Board
Next review due	30 June 2014
Review Committee	Board
Who this policy applies to	All staff
Who is responsible for the policy	Director of Community Housing & Support
Reporting arrangements	Monitoring of this policy will be included in annual ASB report to Board.
Risks of not having this policy	Not being able to effectively and fairly address ASB in Bron Afon communities.
Links with legislation	Anti Social Behaviour Act 2003
Links with other policies	<ul style="list-style-type: none"> • Complaints • Equality & Diversity
Who has been consulted	<ul style="list-style-type: none"> • Task & Finish Group • Membership Committee • Board
Document Control	
All enquiries with regard to this document should be addressed to the Director of Community Housing & Support .	
Expired issues of this document will be retained by the Policy & Research Officer	

Appendix 1

	Type of Behaviour	Grade	Response	Remedies which may be available
Very serious	Physical Violence including Domestic Violence	1	1 st Contact within 24 hours of report and agree an action plan. Action within 24 hrs.	Involvement of solicitors and/or partner agencies such as Police, Fire and Rescue Service, Health, Trading Standards, Environmental Health, Social Services, Schools, Youth Offending Service (YOS), Probation, Warning letters Acceptable Behaviour Contracts Parenting Agreements/Contracts Parenting Orders ASB Injunctions Anti-Social Behaviour Order Demotion Notice Seeking Possession Possession Closure order
	Threats of physical violence			
	Harassment			
	Racial Abuse			
	Targeting a vulnerable person			
	Arson/threatened arson to property			
	Graffiti that is offensive			
	Throwing or dropping items which could cause harm to persons or property			
	Hate crimes e.g. homophobia, racism			
	Criminality (affecting housing function)			
	Drug production/supply			
	Dangerous dogs, including those used for intimidation			
	Use/possession of fire arms and offensive weapons on our land or in a Bron Afon building or home			
serious	Intimidating and threatening behaviour aimed at a person	2	1 st Contact within 5 working days and action plan agreed.	Offer advice and support Interview both parties Offer mediation where appropriate Liaise with other agencies, such as the police, Trading Standards, Environmental Health, Social Services, Schools, YOS, Probation Warning letters Acceptable Behaviour Contracts Anti-Social Behaviour Order Demotion Notice Seeking Possession Possession Closure order
	Noise nuisance which is extreme in nature and/or severe/frequent (including shouting & arguing, playing loud music or TV and having parties)			
	Confirmed/evidenced threatening or offensive material/correspondence posted			
	Drug/substance use, drug smells etc			
minor	Pets and animal nuisance	3	1 st contact within 10 working days and action plan agreed	Offer basic advice Sign-post to other agencies Encourage mediation Liaise with Area Caretakers & anti-graffiti team Warning letters
	Vandalism and damage to property, including parking on grass verges			
	Regular noise nuisance between the hours of 11pm and 7am – or at any time if severe and/or frequent			
	Gardens which cause a nuisance, are an eyesore or health hazard			

	Type of Behaviour	Grade	Response	Remedies which may be available
	<p>Misuse of communal areas, including substance misuse</p> <p>Litter/fly tipping rubbish</p> <p>Vehicle Nuisance, abandoned cars, car repairs</p> <p>Breach of tenancy which is not serious and not personally targeted</p> <p>Soliciting/Prostitution or using premises for immoral purposes</p> <p>Urination in public</p> <p>Graffiti which is not offensive</p> <p>Theft or damage to personal property involving Bron Afon tenant or leaseholder or someone living with or visiting them at the time of the theft or damage</p> <p>Drinking and associated rowdy (but not threatening which is dealt with under G2 above) behaviour and verbal abuse</p> <p>Blocking access to communal areas or blocking access for ambulances or fire engines to housing (unless personally targeted which would be graded 2)</p>			<p>Acceptable Behaviour Contracts</p> <p>Parental Agreements/Contracts/Orders</p> <p>Notice Seeking Possession</p> <p>ASB Injunctions</p> <p>Fixed penalty notices/recharge</p> <p>Notice Seeking Possession</p> <p>Liaise with police</p> <p>ASB Injunction</p> <p>Possession</p>
	<p>Acts of anti-social behaviour that have either not occurred before and do not, by their nature, belong in categories 1, 2 or 3 and/or are not in themselves, breaches of tenancy</p> <p>Doing one's own occasional / minor car repairs</p> <p>Acts that are not in breach of tenancy or are criminal acts that should be reported to the police.</p> <p>One-off indiscriminate noise nuisance (e.g. a party)</p> <p>Cycling/skateboarding in communal areas</p> <p>Setting fires in external communal areas (e.g. bonfires) so long as it doesn't pose a risk of safety to others</p>	4		<p>We will not get involved, however we could encourage mediation if appropriate and both sides agree or we could signpost to other agencies.</p>

	Type of Behaviour	Grade	Response	Remedies which may be available
	Throwing things (unless deliberately aimed at someone or thrown in a way that would cause danger to someone, in which case, according to what exactly is being thrown, would put the behaviour into categories 2 or 3)			
	Climbing up on buildings (if no damage occurs)			
	Ball games (this could be put in category 3 if persistent and against someone's wall, for instance) unless it is causing damage to property.			
	Letting down tyres (this is a criminal offence and should be reported to the police)			
	Drinking in public places			
	Smoking in communal areas			
	Fighting (e.g. a brawl between two consenting adults)			
	Inappropriate use of fireworks (unless criminal damage occurs)			
	Stalking (but this could be graded "2" if the offender is our resident)			
	Litter dropping on land that does not belong to Bron Afon			
	Complaints that are made solely because of prejudice or intolerance to someone's lifestyle or characteristics and, therefore, are deemed to be mischievous/malicious in nature			