



# South Derbyshire District Council

SOUTH DERBYSHIRE DISTRICT COUNCIL

HOUSING SERVICES

ANTI SOCIAL BEHAVIOUR POLICY

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## 1. Introduction

This policy has been developed in conjunction with tenants of South Derbyshire District Council and our approach is to be “victim – centred”. We will treat all complainants with respect and will be sympathetic to their situation, treating each complaint with equal importance. We will agree an action plan with the complainant; we will provide weekly updates to the complainant and we will close the case in agreement with the complainant.

The policy also takes account of the Anti-Social Behaviour Act 2003 & The Crime & Disorder Act 1998 (as amended), which defines anti-social behaviour as “***acting in an anti-social manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator***”.

South Derbyshire District Council recognises that by providing a strong housing management service a real difference can be made to the quality of lives of local residents.

To demonstrate to the wider community that we will do everything that is reasonably possible to tackle anti-social behaviour and deliver a high quality service, we have signed up to the Government’s **RESPECT** standard.

We recognise that failure to effectively tackle anti-social behaviour could;

- substantially affect the lives of those individuals who are living with nuisance or anti-social behaviour; and
- impact on the local environment and culture of an area which in turn could damage our ability to develop sustainable communities.

## 2. Our Commitment

South Derbyshire District Council’s vision is to:

“Make South Derbyshire a healthier, more prosperous and safer place to live.”

The Council’s vision is being delivered through actions grouped into 4 themes within the Corporate Plan 2009 2014. This policy contributes to Theme 2 - Safe and secure. This theme covers quality decent homes to promote independent living in neighbourhoods that feel safe and secure.

This policy also contributes to Housing Services’ mission statement that:

“Through high quality services, delivered in partnership with customers, the provision of well maintained affordable homes that meet the requirements and aspirations of the people of South Derbyshire.”

By signing up to the Respect Agenda, Housing Services has made a visible commitment to residents and other interested parties. Housing Services is committed to doing all it reasonably can to provide good services to tackle anti-social behaviour and contribute to creating a culture of respect through our housing management role and our broader involvement in neighbourhood management.

## 3. Types of ASB and Local Offers

The table on page 12 is intended to help you understand the types of incidents we deal with, what an appropriate remedy might be and the “Local Offer” agreed with you that we are expected to meet. We do not categorise cases of ASB; each case is dealt with on its individual merits. We will complete an initial assessment when you contact us with a

complaint to determine what action may be required and to assess the impact that the ASB is having on you and or your family.

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

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. Domestic noise nuisance will be investigated by the Environmental Protection Team. In cases where there is evidence of ASB and noise nuisance the two departments will share information and conduct joint investigations.

Children playing ball games is not normally considered to be anti-social behaviour. The government aims to encourage children to play outside to help 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. Unless there are exceptional circumstances we will not fit "no balls games" signs in our communal areas or open green spaces as they are unenforceable. Examples of when we would consider playing ball to be a nuisance are when it is knocked continuously against a car or a house or if the child is trampling over gardens to retrieve the ball.

The remedies offered are considered on a case-by-case basis. 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 remedies will be suitable in every case, for example mediation. 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.

#### **4. How to report an incident of Anti Social Behaviour or Hate Crime**

Under S115 Crime and Disorder Act 1998 (as amended), where appropriate, we will share information with partner organisations in order to prevent or detect crime and anti-social behaviour and conduct joint or multi-agency investigations.

To report an incident of anti-social behaviour, hate crime or incident, you can:

- Report it to the Housing Operations team at The Civic Offices. A list of the Housing Officer areas and their relevant telephone numbers (as at January 2011) is on pages 13 and 14.

- Write to us at: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire. DE11 0AH
- Email us at: [housingservices@south-derbys.gov.uk](mailto:housingservices@south-derbys.gov.uk)
- Go online at: [www.south-derbys.gov.uk](http://www.south-derbys.gov.uk)
- Telephone our Anti Social Behaviour Helpline on 01283 595795.

## 5. Working in partnership

Partnership working is crucial if we are to prevent anti-social behaviour and tackle it quickly and effectively. Examples of our partner agencies include (*although this list is not exhaustive*).

- Police
- Health Services
- Social Services
- Youth Offending Service (YOS)
- Public Protection Team
- Community Safety Team
- Probation
- Fire and Rescue Service
- Environmental Protection Team
- Neighbourhood Watch Groups
- Parish Councils

Page 12 lists useful numbers and contacts.

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 participate in a number of multi agency forums aimed at strategically planning and targeting resources to prevent and reduce anti-social behaviour across the District. We will exchange information regarding names, addresses, dates of birth of perpetrators and details of nuisance at these meetings and agree the most appropriate way forward. We will continue to keep the ASB case conferencing agencies updated on actions we are taking.

## 6. Our approach to handling Anti Social Behaviour

### 6.1 Early Intervention

We will work with residents who are suffering from anti-social behaviour and we will take action early as we recognise that this can help prevent situations from escalating. We will make an initial assessment to ensure that we take any urgent action that may be required and involve the right agencies from the beginning. We will register the complaint and send an acknowledgement letter. All this will happen within the first 24 hours of receiving the complaint. We will visit you within the next 2 working days to discuss and agree an action plan.

We have a “no surprises” policy. 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 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.

We will, if appropriate, suggest that you try to speak to your neighbour to try to resolve the matter before contacting the Council. However, we do understand that this is not always possible and not everyone will be comfortable doing this.

## **6.2 Working with complainants**

We will treat all complainants with respect and will be sympathetic to their situation, treating each complaint with equal importance. Complainants will be consulted prior to any action and we will provide complainants with a weekly update on the progress of their case. 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 record sheets rather than prolonged use with no clear outcomes. If we require an extended period of record sheets we will explain why this is necessary. We can agree if Record Sheets are appropriate when we agree the action plan.

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. We will work closely with our partner agencies to try and prevent nuisance and antisocial behaviour from occurring,

All reports of nuisance & anti-social behaviour will be thoroughly investigated. The wider community has a responsibility to not engage in nuisance & anti-social behaviour and to report it where seen.

Tenants are responsible for their own actions and the actions of all those people who are living at or visiting their property. We will investigate all reports of anti-social behaviour or neighbour nuisance and may take legal action against those found responsible. Offences such as the supply, dealing and cultivation of drugs will always result in legal action. Some areas of criminality that affect the rights of our tenants will also result in an investigation and legal action being considered.

Where the complaint involves the tenant of a housing association, we will work in conjunction with the Housing Officers from that housing association in order to resolve the complaint amicably.

## **6.3 Witness Support**

When we are preparing to take action against someone for ASB, we understand that it can be a frightening and distressing time for witnesses. We will therefore do all that we can to make the process as easy as possible. We will:

- Keep the witnesses informed about the court case.
- Offer Counselling.
- Provide extra security to the property if appropriate, such as toughened glass, panic buttons, "spy holes" to doors and additional locks to doors and windows.
- Provide covert surveillance, if appropriate.
- Provide information on Witness Support Agencies.
- Accompany the witness to court.
- Provide transport to and from court.

The Safer South Derbyshire Partnership is developing a Victim and Witness Policy for ASB cases.

## **6.4 Closing cases**

We will close cases where the situation has been resolved and 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.

The tables on page 10 and 11 list the key timescales and actions for the management and monitoring of ASB cases.

## **7. Supporting the vulnerable**

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.

## **8. Remedies available**

The vast majority of complaints of nuisance and anti-social behaviour do not require legal intervention as a means of resolution. Our officers will, in the first instance, offer advice & assistance, encouraging complainants to use our independent mediation service as a means of resolving the complaint amicably, where appropriate. We will agree with you which is the most appropriate remedy when we agree the action plan.

Non-legal means of resolving nuisance & anti-social behaviour include:

- Warnings;
- Mediation
- Acceptable Behaviour Contracts (ABCs)
- Involvement of the Family Intervention Project (FIP)
- Youth Inclusion Support Panels (YISP)

Legal means of resolving nuisance & anti-social behaviour include:

- Anti-Social Behaviour Orders (ASBOs) (the Government has indicated that the use of ASBOs will be abolished.)
- Criminal Anti-Social Behaviour Orders (CRASBOs)
- Parenting Orders
- Injunctions
- Notice of Seeking Possession
- Court undertakings
- Demotion of tenancy
- Possession

## **9. Hate crimes & incidents (racist harassment, homophobia, sexual harassment etc)**

We define racist harassment as being “any incident which is perceived to be racist by the victim or by any other person”. This definition was developed as a result of the 1999 Stephen Lawrence inquiry and we will use it as the first point of assessment in relation to any reported incident.

Using this definition of a racist incident during an investigation does not prejudice the perpetrator’s intention. After a thorough investigation of an incident it may be clear that the

harassment is not racially motivated, but by using perception we ensure that any racial motivation is fully considered throughout the investigation.

As with a racist incident, we define a hate crime or incident as an incident that is perceived to be such by the victim of any other person. Examples of a hate crime or incident could be because of someone's religion, gender, sexuality, mental health, learning or physical disability, or cultural difference. Having HIV, AIDS or a physical deformity/impediment is also defined similarly.

Where a racist or hate crime incident has been reported to us, we cannot take any enforcement action without evidence. All complainants and witnesses in these cases will be dealt with in a sensitive, supportive and understanding way and we will offer supportive measures, such as professional Witness Support. If the property where the victim/witness lives has been the subject of vandalism or graffiti we will deal with this within 24 hours.

## **10. Training for staff**

Tackling anti social behaviour requires knowledgeable and well trained staff. We will ensure that all staff dealing with anti social behaviour clearly understand and deliver our policy. We will also ensure that they are fully trained on our procedures.

## **11. Performance monitoring**

We closely monitor the quality of the service that we provide by setting challenging performance targets for staff as well as sending all complainants of closed cases a customer satisfaction survey.

The Team Leader will:

- Review all cases every 6 weeks.
- Review all cases proposed for closure to ensure that the complainant is happy for us to do so.
- In cases where the complainant is not happy for the case to be closed, take action such as talking to both the complainant and the officer who managed the case before reaching a final decision,
- Confirm the outcome of the review in writing to the complainant advising whether their response has been 'upheld', which would mean the case is re-opened for further investigation, or it has 'not been upheld'.

The Tenants' Performance and Scrutiny Panel may also review cases proposed for closure, with the personal details removed. Levels of customer satisfaction will be monitored. Any monitoring forms that have been returned with a dissatisfied response will be followed up by the Housing Operations Manager.

## **12. Publicising Successes**

Publicity is essential if local communities are to support us when tackling anti social behaviour. Therefore, we will publicise successful results of both legal and non-legal actions that we have taken in the tenants' newsletter, local media and other appropriate outlets.

We will also, from time to time, publish a statistical summary showing the numbers of cases, actions, resolutions and court results to our tenants and partner agencies through a variety of publications (e.g. notice boards, newsletters, and Tenants' Forum meetings, Performance and Scrutiny Panel and our annual report).

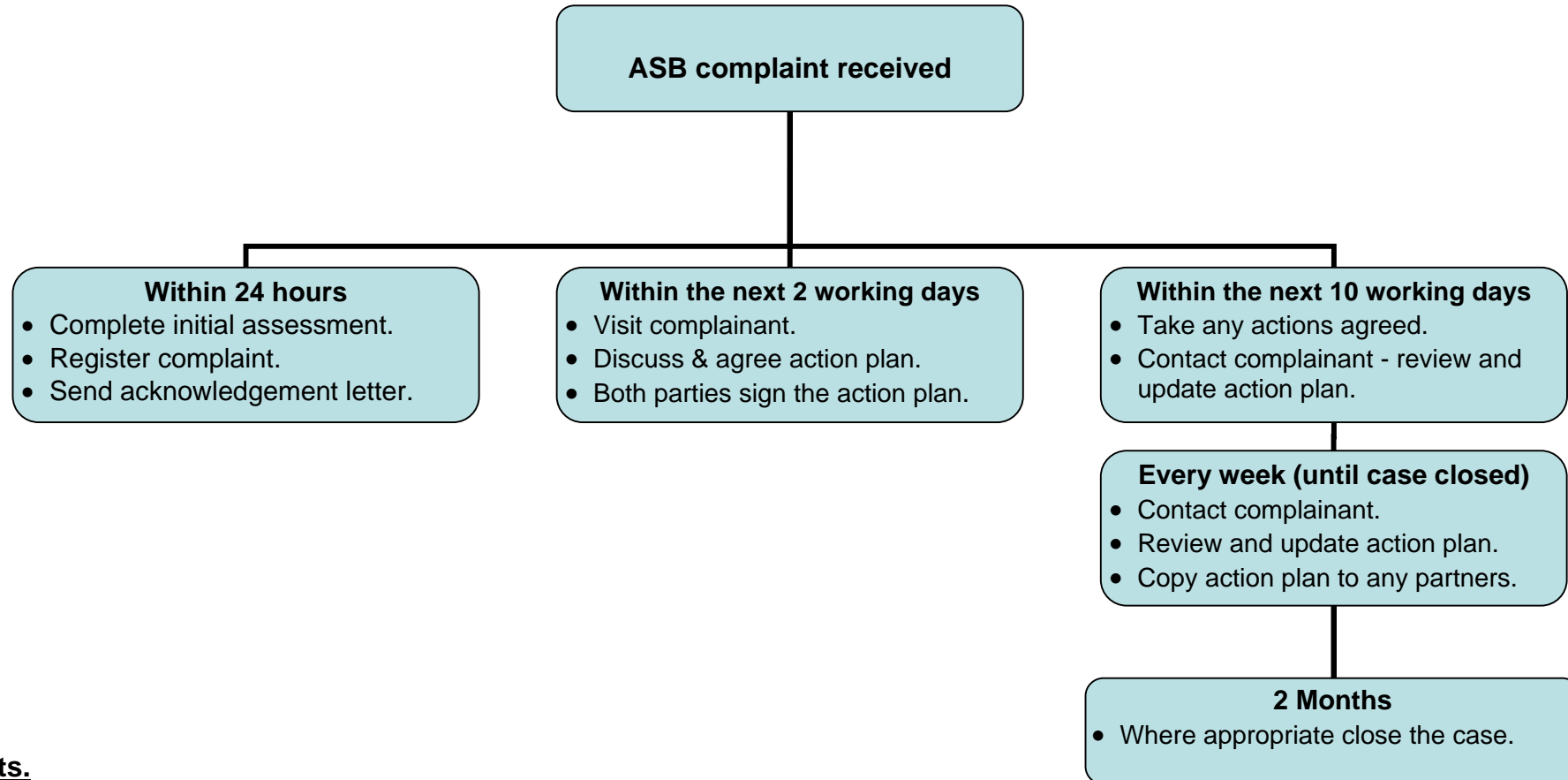
When we obtain a Court Order we will produce information for all relevant parties in line with the Council's publicity protocol. Each case will be dealt with on its merits and any case involving juveniles will be discussed with the Council's solicitor. The information could include details of the name and age of the perpetrator, together with a list of the prohibitions

and the expiry date of the Order. It will also contain details of who to contact should the Order be breached

### **13. Making a complaint**

If you are not satisfied with the way your case is being managed and you wish to make a formal complaint you can obtain a copy of the booklet "How to Complain about the Council's service" which is available from the main reception desk or telephone 01283 221000 and we will send you a copy.

## HOW ASB COMPLAINTS ARE HANDLED – THE COMPLAINANT



### Record sheets.

Where possible we will only ask for a short focussed use of record sheets rather than prolonged use with no clear outcomes. If we require an extended period of record sheets we will explain why this is necessary.

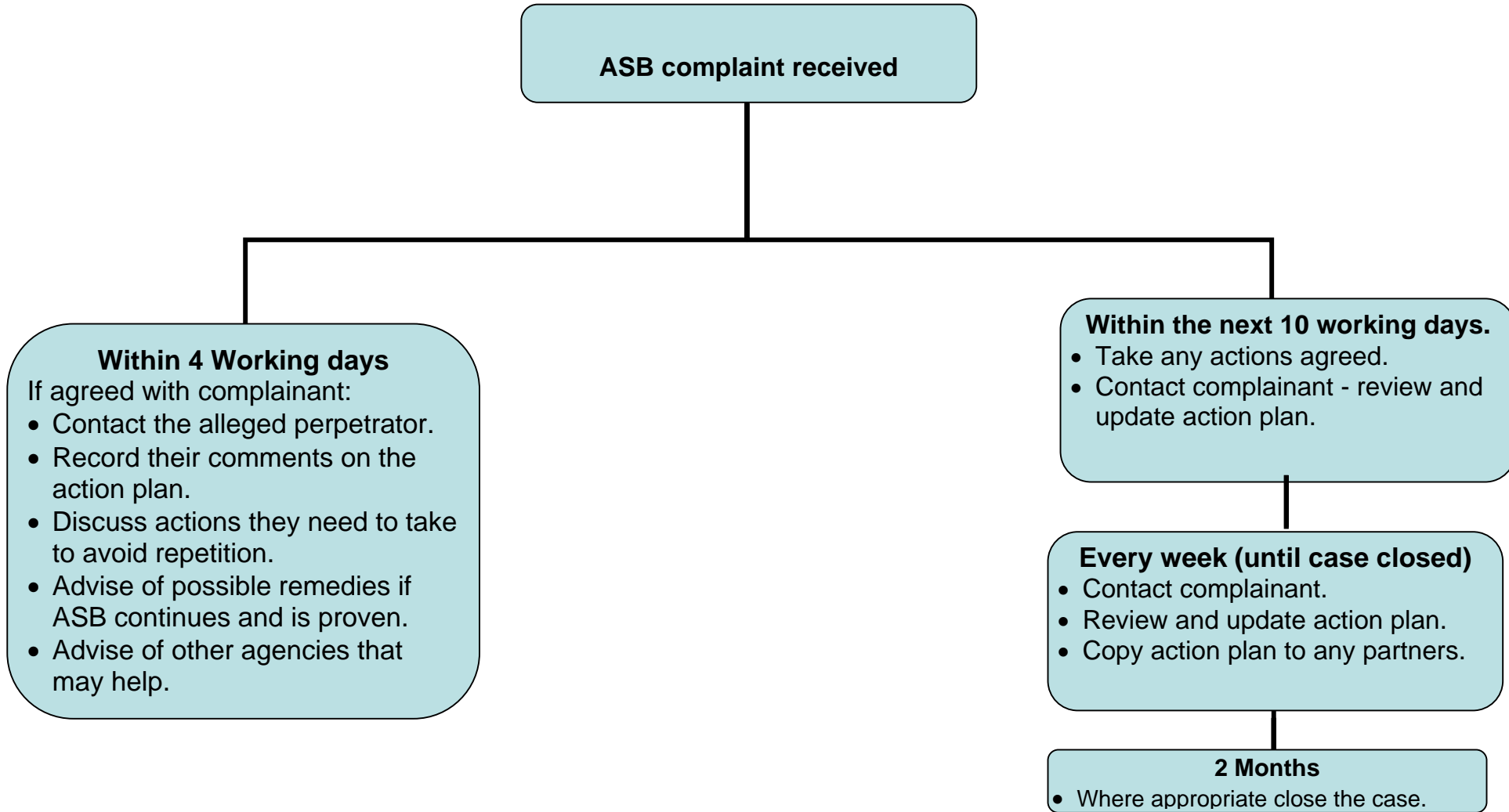
### Initial assessment.

We do not categorise cases of ASB. All reports of ASB will have an initial assessment to ensure that any urgent action is taken immediately (i.e. removing racist graffiti or completing essential repairs within 24 hours).

### Anonymous complaints.

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.

# HOW ASB COMPLAINTS ARE HANDLED- THE ALLEGED PERPETRATOR



Type of Nuisance	Remedies	Local Offer
<ul style="list-style-type: none"> <li>• Racial harassment.</li> <li>• Hate crimes &amp; incidents (e.g. homophobia).</li> <li>• Sexual Harassment.</li> <li>• Threats of violence.</li> <li>• Actual violence including domestic violence.</li> <li>• Criminality (affecting housing function)</li> <li>• Drug production/supply/use</li> <li>• Dangerous dogs, including those used for intimidation</li> <li>• Noise nuisance (including shouting &amp; arguing, playing loud music or TV and having parties).</li> <li>• Verbal abuse</li> <li>• Alcohol related nuisance.</li> <li>• Prostitution.</li> <li>• Intimidation.</li> <li>• Car repairs/vehicle nuisance.</li> <li>• Parking disputes.</li> <li>• Animal nuisance (i.e. dog fouling/barking)</li> <li>• Litter/fly tipping/rubbish.</li> <li>• Poorly maintained gardens.</li> </ul>	<ul style="list-style-type: none"> <li>• Involvement of solicitors and partner agencies such as Police, Fire and Rescue Service, Health, Trading Standards, Environmental Health, Social Services, Schools, Youth Offending Service (YOS), and Probation.</li> <li>• Warning letters to alleged perpetrators.</li> <li>• Home visits to alleged perpetrators.</li> <li>• Offer advice and support.</li> <li>• Interview both parties.</li> <li>• Offer mediation where appropriate.</li> <li>• Liaise with other agencies, such as the police, Trading Standards, Environmental Health, Social Services, Schools, YOS, and Probation.</li> <li>• Encourage mediation.</li> <li>• Acceptable Behaviour Contracts.</li> <li>• Parenting Agreements/Contracts.</li> <li>• Engage Family Intervention Project</li> <li>• Engage Youth Inclusion Support Project</li> <li>• Parenting Orders.</li> <li>• ASB Injunctions.</li> <li>• Anti-Social Behaviour Order.</li> <li>• Demotion.</li> <li>• Notice Seeking Possession.</li> <li>• Possession.</li> <li>• Closure order.</li> <li>• Special move (exceptional cases).</li> </ul>	<p>Complete initial assessment within 24 hours.</p> <p>Contact complainant &amp; agree action plan within 48 hours.</p> <p>Take agreed actions within 10 working days.</p> <p>Contact complainant weekly.</p> <p>Close the case within 2 months, where appropriate.</p>

### CONTACT LIST/ USEFUL NUMBERS

Organisation	Contact Number
Police	<b>TBC</b>
Public Protection Team	<b>TBC</b>
Youth Offending Service (YOS)	<b>TBC</b>
Community Safety Team	<b>TBC</b>
Fire and Rescue Service	<b>TBC</b>
Environmental Protection Team	<b>TBC</b>

<b>Area 1</b> <b>01283 – 595824</b> <b>Michelle Thompson</b>	<b>Area 2</b> <b>01283 - 595805</b> <b>Linda Pardner</b>	<b>Area 3</b> <b>01283 - 595870</b> <b>Linda Roberts</b>	<b>Area 4</b> <b>01283 - 595825</b> <b>Max Shah</b>	<b>Area 5</b> <b>01283 – 228740</b> <b>Paige Morland</b>
Church Broughton	Aston on Trent	Coton in the Elms	Bretby	Findern
Castle Gresley	Barrow on Trent	Lullington	Church Gresley	Midway
Hatton	Elvaston and Thulston	Linton	Egginton	Willington
Hilton	Hartshorne	Newhall	Etwall	Netherseal
Repton	Melbourne	Alma Road		Overseal
Scropton	Smisby	Appleton Close	Newhall	
Swadlincote	Shardlow	Ashleigh Avenue	Abbotts Close	
Brightman House	Ticknall	Cecil Road	Beards Road	
Coppice Side	Weston on Trent	Chapel Street	Belvoir Crescent	
Drayton Street		Chesterfield Avenue	Birch Avenue	
Hall Farm Close		Fairfield Crescent	Bretby Road	
Hall Farm Road		Field Way	Chatsworth Road	
Hill Street		Honeysuckle Close	Four Lane Ends	
Holmes Court		John Street	Park Street	
Wideshaft		Kilburn Way	Wellwood Road	
Thurvaston		Main Street	Windsor Close	
Woodville		Manton Close	Swadlincote	
		Meadow Lane	Belfield Road	
		Meadow View Road	Cleveland Close	
		Meadow Way	Coniston Court	

Oakleigh Avenue	Darklands Road
Orchard Street	Davis Road
Oversetts Road	Dominion Road
Parliament Street	Foreman Close
Pine Grove	Gregson Close
Pingle Farm Road	Pennine Way
Plummer Road	Resthaven
Robinsons Road	Nelson Street
Roseleigh Crescent	Walton Close
South Drive	Weston Street
St Catherines Road	
St Johns Drive	
Stoneydale Close	
The Burrows	
The Crescent	
The Fairway	
The Leys	
Rosliston	
Walton on Trent	