

Appendix A

CYNGOR SIR POWYS COUNTY COUNCIL

Housing Services

Anti-Social Behaviour Policy

Version	Draft v9
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PART 1 POLICY BACKGROUND & COVERAGE

Introduction

- 1.1 The Council aims to ensure that tenants and leaseholders live peacefully in their own homes and communities. We recognise that failure to tackle anti-social behaviour effectively could substantially blight the quality of life for those people living with anti-social behaviour, and can also damage our ability to develop sustainable communities.

- 1.2 We will not tolerate anti-social behaviour in our homes or on our estates. The key objective of our Anti-Social Behaviour Policy is to try to change behaviour using a variety of approaches and interventions. However, we will take a tough stance when perpetrators refuse to mend their ways. We have no hesitation in using all the powers available to us to take action against perpetrators.

Key Principles of the Anti-Social Behaviour Policy

- 2.1 The key principles of the Anti-Social Behaviour Policy are to:
 - ensure that tenants are aware of what behaviours are acceptable and unacceptable, how to make a complaint and the action we will take
 - investigate complaints of anti-social behaviour and to take appropriate action against perpetrators whether they are tenants, their families, friends or visitors
 - recognise that some individuals and/or families may need support to help them to work with us to change their behaviour so that it becomes acceptable
 - provide as much support as possible to victims/witnesses
 - take timely and appropriate action to address anti-social behaviour, in partnership with other agencies where appropriate
 - routinely monitor the views of tenants who have received the service we provide, seeking their views on how well we have responded and how we could improve.

Relevant legislation and regulatory compliance

- 3.1 The Council will ensure that it addresses anti-social behaviour in accordance with best practice and relevant policy, legislation and Council Housing service standards.

PART 2 ANTI-SOCIAL BEHAVIOUR POLICY

Introduction

- 1.1 The Council recognises that it has a duty to its tenants and other residents in the locality to deal with matters of nuisance and anti-social behaviour. Failure to act impacts not only on residents' lives but also on the quality of our homes and estates.
- 1.2 We are responsible for ensuring that we act as a responsible landlord and meet our statutory obligations, as well as enforcing good behaviour standards through the implementation of our anti-social behaviour policy.
- 1.3 As a landlord we make it clear to our tenants that we will not tolerate anti-social behaviour in any form. We do this when granting new tenancies by explaining to the tenant what is expected of them in terms of behaviour and by stressing what the consequences can be for them if they breach their tenancy agreement. Existing tenants will be reminded from time to time through regular estate visits and various publications.

Definition of Anti-social Behaviour

- 2.1 Anti-social behaviour (ASB) is any activity that impacts on other people, their homes and/or their communities, in a negative way, and the key to categorising behaviour as anti-social must be consideration of its impact on others. This can be subjective. Different people may be distressed or alarmed by different types of behaviour and activity.

The Housing Act 1996 defines ASB as:

“conduct which is capable of causing nuisance or annoyance to any person, and which directly relates to or affects the housing management function of a relevant landlord.”

- 2.2 Anti-social behaviour can include a wide range of behaviours that can affect the lives of other people. A standard approach to all incidents of anti-social behaviour is not the most appropriate response.

- 2.3 The following behaviours are criminal actions however, action may also be taken against the perpetrators under this ASB policy:

domestic abuse, hate crime (this includes racially motivated harassment and violence), sexual harassment, violence or the threat of violence, suspected drug using/dealing, verbal abuse, alcohol or drug related nuisance, using, owning or storing offensive weapons, intimidation, incitement, theft, criminal damage, noise nuisance involving the repeated playing of loud music, child neglect, offensive graffiti

This is a list of examples and is not exhaustive.

- 2.4 Other examples of anti-social behaviour include:

graffiti and other forms of vandalism, parking disputes, begging, vandalism, abandoning vehicles on our estates, boundary and hedge disputes, animal nuisance (dog barking, dog fouling, pets out of control), door slamming, the dumping of rubbish, littering, vomiting, spitting and urinating in communal areas, playing ball games close to someone's property (that is causing a nuisance), skate boarding or cycling on footpaths or balconies, damaging property, throwing things out of windows, allowing people other than your visitors or authorised council contractors through communal entrances, shouting or swearing, making malicious complaints.

This is a list of examples and is not exhaustive.

- 2.5 All incidents of anti-social behaviour reported to us will be categorised as either serious or minor. Each ASB incident is then further placed into one of three categories:
- 'nuisance' –incidents where an act, condition, thing or person causes trouble, annoyance, irritation, inconvenience, offence or suffering to the local community in general rather than to individual victims;
 - 'personal' –incidents that are perceived as either deliberately targeted at an individual or group, or having an impact on an individual or group rather than the community at large;
 - 'environmental' –incidents where individuals and groups have an impact on their surroundings, including natural, built and social environments.
- 2.6 We will take action against all persons who act in an anti-social manner on our estates, including leaseholders, tenants of leaseholders and owner occupiers.

Reporting anti-social behaviour

- 3.1 Victims and witnesses to acts of anti-social behaviour committed on our estates can report it to us:
- in person and face to face at our public facing area offices
 - in person and face to face by speaking to a Housing Management and Options Officer (HMOO) whilst on estate visits or any other member of the housing team
 - in person by speaking to a First Contact Officer (FCO) over the telephone
 - by downloading the "noise app" on a phone or tablet
 - in writing by:
 - letter
 - e-mail
- 3.2 When a complaint of anti-social behaviour is made we will make every effort to contact the complainant to discuss the case further. We will also contact them through various stages of the investigation to update them on the situation. If the complainant does not keep in contact with us, we will not assume that the nuisance has been resolved.

We will try to make contact with them and consider all of the available evidence before deciding to close the case.

- 3.3 Where we have made several attempts to contact complainants by telephone, letter, e-mail or home visit and we have not been successful in making contact with them, we will consider all of the available evidence before reaching a decision to close the case.
- 3.4 Anonymous ASB complaints should not be ignored and will be treated with the same importance as any other. If there are serious allegations relating to criminal activity (such as child abuse, domestic abuse, sexual abuse or drug dealing etc.) these should be passed to the relevant agency who will decide what action can be taken. Other forms of anonymous reports should be handled carefully as they may be difficult to prove and could be harmful if found to be untrue. Anonymous reports should not form the sole basis of legal action and no further action can be taken against anonymous persons. Complainants should be encouraged where possible to give their details and contact number.

Our approach to addressing anti-social behaviour

- 4.1 Our approach to addressing anti-social behaviour is based on:
 - implementing a range of preventative measures to reduce the incidence and minimise impact of anti-social behaviour on our estates
 - supporting the victims/witnesses of anti-social behaviour, and ensuring the provision of support services to vulnerable tenants to prevent them from becoming perpetrators
 - taking timely and appropriate action to address effectively incidents of anti-social behaviour.
- 4.2 Our approach is underpinned by our commitment to partnership working. We will work to contribute to Dyfed Powys ASB Service's role in managing the occurrence of anti-social behaviour, and work with a range of partners to reduce its incidence and impact on our housing estates. We will work closely with other parts of the Council and other agencies to effectively tackle anti-social behaviour.
- 4.3 We will participate in county wide ASB related forums to effectively tackle anti-social behaviour:
- 4.4 We will work with the following partners plus any other relevant agencies to effectively address anti-social behaviour¹:
 - Dyfed Powys Police
 - Fire Service
 - Health Services (including Community Mental Health Teams and Substance Misuse Services)
 - Support providers
 - Voluntary Sector Agencies
 - Housing Associations

¹ This list of partners is not exhaustive and we will work with a range of other partners as the need arises.

- 4.5 We will share appropriate and relevant information with our partners, in line with information sharing protocols and the Data Protection Act 1998 and sec 115 of the Crime and Disorder Act 1998.

Action to prevent anti-social behaviour

- 5.1 The Housing Service has a regular presence on the ground and officers will tackle or report any estate management issue they come across to ensure potential problems are addressed early, prior to complaints being received or the issue escalating.
- 5.2 We will give residents information and advice to enable them to resolve problems of anti-social behaviour themselves, where this is possible.
- 5.3 We will work closely with key partners and residents to prevent the incidence of anti-social behaviour.
- 5.4 Where possible, we will work with a range of partners, including tenant groups, to develop initiatives that divert young people from acting anti-socially. We will investigate and work in partnership with a range of agencies to establish projects that:
- reward young people for positive behaviour in their communities
 - address inter-generational conflict.
- 5.5 We will support tenant groups who wish to develop diversionary activities for young people by sign-posting them to possible sources of funding.

Support

- 6.1 We will support tenants by providing them with information about our policies and procedures in relation to anti-social behaviour, in particular, information on:
- what anti-social behaviour is
 - how residents can report it
 - what actions we will take
 - the timescale we will take action in
 - what victims and witnesses can expect from us.
- This information will be published on our website, and in relevant publications.
- 6.2 We will support victims and witnesses by:
- listening to them and taking action quickly
 - where necessary and appropriate, consider additional security measures at their homes (such as strengthened locks, personal alarms, security cameras etc.)
 - providing them where necessary with alternative accommodation, where it is unreasonable to expect them to return to their home because of the threat of ASB
 - keeping them informed of the action that we are taking throughout the lifetime of their complaint
 - providing them with reassurance that their complaint is confidential and that we will seek their consent to share any information they have provided with third parties, except where it is apparent that a criminal act has been committed

- referring them to agencies who can provide them with support and advice
- consulting them, where appropriate, on the action we will take
- using professional evidence gatherers in situations where residents are too fearful to act as witnesses.

6.3 We will treat fairly those against whom a complaint is made by:

- speaking with them within 10 working days of the complaint being made²
- informing them of the allegations being made against them and listening to their response²
- ascertaining whether the person identified as the perpetrator is the one responsible or whether they are themselves the victim.
- giving them the opportunity, if appropriate, to rectify their behaviour and get support²
- letting them know how we believe they have breached their tenancy or leasehold agreement
- discussing with them options such as community resolutions, acceptable behaviour contracts, parenting contracts, mediation or other options, before taking formal legal action²
- providing them with written notice of any legal action we intend to take against them and the reasons for that action².

6.4 Where the anti-social behaviour can only be remedied through court action, we will do everything we can to ensure that witness's feel supported throughout the process. This will involve explaining to the witness what to expect at the hearing and where necessary and appropriate helping to arrange transport to and from the hearing. There will also be the option of the support service from the Dyfed-Powys ASB service or referral to Victim Support.

6.5 We aim to tackle the causes of anti-social behaviour in our communities by challenging behaviour and providing remedies to resolve the behaviour. We recognise the importance of giving alleged perpetrator(s) the opportunity to modify their behaviour and make positive changes.

6.6 In the majority of cases we will work with alleged perpetrator(s) to resolve the anti-social behaviour and we understand that at times perpetrators may need additional support.

6.7 Where we feel it is appropriate, and with their consent, we will refer alleged perpetrator(s) of anti-social behaviour to other appropriate agencies for assessment and the provision of support, prior to taking formal action.

Timely and appropriate action

7.1 We will respond to all complaints of anti-social behaviour promptly, as defined below.

7.2 Responding within one working day of the complaint if it involves actual or threats of violence or hate crime,

² Except where there is violence or the threat of violence involved, when we will consider taking immediate legal action without notice. In this event you will have the opportunity to state your case in court.

- 7.3 Responding within 5 working days of the complaint if it doesn't involve violence or threats of violence.
- 7.4 Our response to all reported incidents of anti-social behaviour will involve interviewing the complainant, investigating their complaint, and determining the most appropriate course of action.
- 7.5 If the complaint involves violence or threats of violence we will agree an action plan with the complainant/witness within 1 working day of their interview.
- 7.6 If the complaint does not involve violence or threats of violence we will agree an action plan with the complainant/witness within 5 working days of their interview.
- 7.7 In all cases we will let the complainant know what action we will be taking and indicate how long we believe this will take.
- 7.8 We will keep the complainant up to date with our actions and ensure we speak to them at least once a month.
- 7.9 In all cases we will make contact with the alleged perpetrator(s) of acts of anti-social behaviour to advise them of the allegations that have been made against them and give them the opportunity to explain their actions unless specifically requested not to.
- 7.10 We will take action in order to prevent anti-social behaviour from recurring. We recognise that every case of anti-social behaviour is unique and we will determine our approach to each case based on the evidence we collect during our investigations. The action that we take will be proportionate and appropriate to the behaviour that is being reported and the alarm and distress caused to the complainant(s). We will generally take action to regain possession of the home of perpetrators of anti-social behaviour as a last resort, where all other approaches have failed.³
- 7.11 We will adopt a robust approach to anti-social behaviour. All cases will be considered for referral to the Dyfed Powys ASB Service where HMOO's can request that the case be discussed at the Multi-Agency Problem-solving Group. We may attempt to secure court orders to prevent the re-occurrence of anti-social behaviour and commence possession proceedings as our primary course of action.
- 7.12 We will adopt an incremental approach to addressing minor acts of anti-social behaviour, providing the perpetrator with the opportunity to change their behaviour to prevent the escalation of action against them.
- 7.13 In addressing anti-social behaviour we will use one or a combination of the following measures, depending on the circumstances of the case:
- informal contact with the perpetrator

³ In some serious anti-social behaviour cases our approach may involve the commencement of possession proceedings, as our primary course of action.

- verbal and written warnings
- support and counselling
- referral to mediation
- use of acceptable behaviour contracts (ABCs)
- use of parenting contracts
- court action to secure a range of orders to prevent re-occurrence of anti-social behaviour, such as:
 - Undertakings
 - Civil Injunctions
 - Criminal Behaviour Orders
 - Dispersal Powers
 - Community Protection Notices
 - Public Spaces Protection Orders
 - Closure Powers
- court action to secure possession of the home of either a secure or introductory tenant

- 7.14 We will close cases when the anti-social behaviour has been resolved and the complainant is happy for us to do so. In instances where the complainant fails to provide us with information or make contact with us we will consider all of the available evidence before deciding to close the case. We will notify the victim of our conclusion by personally contacting them and confirm this in writing.
- 7.15 If we are satisfied we have taken every reasonable and proportionate step to resolve the anti-social behaviour we will close the case, even if the complainant does not want us to. We will explain the reasons why we have closed the case and will provide alternative advice.
- 7.16 We will regularly review cases to prevent them from being left open indefinitely.
- 7.17 We will re-open a case at any time where a further incident connected to the case has been reported to us.
- 7.18 We will speak with both the complainant and alleged perpetrator at an appropriate time to see if they feel fairly treated and how satisfied they are with our response to addressing the problem. These performance measures will be published each year in line with the ASB Service Standard.

Community Trigger

- 8.1 Where a complainant believes no action has been taken in relation to their complaint, they will now be able to use the Community Trigger to demand action, starting with a review of their case. For further information, please visit [Powys Community Safety Partnership](#).

PART 3 EQUALITIES

Introduction

1.1 The Council is committed to giving an equal service to all.

Procedures and Practices

2.1 The Council's staff and contractors will operate in such a way to ensure that their procedures and practices are sensitive to the needs of individual residents. They will ensure that they do not discriminate in any way.

2.2 Enforcement and application of this policy will from time to time need to be tailored to meet the needs of individuals. All cases will be considered on an individual basis.

Information

3.1 The Council will in all reasonable circumstances make information available in a variety of information formats, including **for example**:

- braille
- large print
- audio tape

3.2 Where specialist services are required to ensure that information is accessible to the tenant or member of their family, the Council will provide these specialist services where reasonable.

PART 4 REVIEWING DECISIONS, COMPLAINTS AND COMPLIMENTS

Introduction

- 1.1 The Council is committed to improving service delivery and putting right any mistakes.

Review

- 2.1 Anyone that is affected by a decision of the Council's Housing Service is entitled to ask for an independent review from a manager or team leader that was not involved in the making the decision.

Complaints and Compliments

- 3.1 The Council welcomes all feedback from customers because it helps to improve services.
- 3.2 When the Council receives a complaint, the Corporate Complaints Procedures will be followed.
- 3.3 The Council will aim to clarify any issues about which someone is not sure.
- 3.4 Where possible, the Council will put right any mistakes it may have made.
- 3.5 Where the Council gets something wrong, it will apologise and where appropriate try to put things right.
- 3.6 The Council will aim to learn from mistakes and good practice and use the information gained to improve services.

PART 5 REVIEW OF ANTI-SOCIAL BEHAVIOUR POLICY

- 1.1 This policy will be reviewed by the Council every three years unless there are circumstances that require a review, for example a change in legislation or regulation.

- 1.2 Where there has been a change in legislation which has an impact on the policy, the policy will be reviewed within 3 months of the legislation or regulation coming into effect.

