

East Devon District Council

Anti-Social Behaviour Policy

Version 1.6

Officer Responsible: Landlord Services Manager

Authorised by the Housing Review Board on 8th March 2018

1 Previous Policies/Strategies

2 Why has the council introduced this policy?

- 2.1 East Devon District Council recognise that all tenants have a right to the peaceful enjoyment of their home. Equally, every tenant has the responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home.
- 2.2 This policy will enable EDDC to deliver a proportionate, reasonable, fair and flexible response to anti-social behaviour.

3 What is the Council's Policy?

3.1 Scope and purpose of this policy document

- 3.1.1 This document supports East Devon District Council's vision statement and is intended to fulfil the requirements of section 218A of the Housing Act 1996 (as inserted by section 12 of the Anti-social Behaviour Act 2003) with regard to the publication of the policies and procedures of a local housing authority in relation to anti-social behaviour.
- 3.1.2 It tells you what anti-social behaviour (ASB) is and sets out the guiding principles for those officers in the Council who deal with ASB.
- 3.1.3 It says what we want our services to achieve for people experiencing ASB, and sets out the principles on the kind of service level and quality we aim to provide.
- 3.1.4 This document does not say how we will deal with ASB on a day-to-day basis; this is covered in our procedures document.

3.2 Our responsibilities

- 3.2.1 East Devon District Council has a wide range of responsibilities in dealing with ASB:
- 3.2.2 As a social landlord, we have a duty, under the Anti-social Behaviour Act 2003 to respond to ASB affecting the properties we manage. Our landlord duties and powers are different from, and usually act in addition to, the duties and powers we have to deal with ASB in the wider community. In this

document (and the procedures document) we will make it clear when a policy or a power applies only to Council tenancies. We now have a range of additional powers to take action against those causing ASB under the new Anti-social Behaviour, Crime and Policing Act 2014.

- 3.2.3 In our role as a statutory member of the East Devon & Mid-Devon Community Safety Partnership, we must work with the police and other agencies to reduce crime and disorder in East Devon under the Crime and Disorder Act 1998. In this role we play a key part in dealing with ASB of all kinds and also undertake project and preventative work.
- 3.2.4 We recognise that left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our residents.
- 3.2.5 By the use of these methods we'll deliver a proportionate, reasonable, fair and flexible response to anti-social behaviour.
- We will make use of the powers, orders and mechanisms available to us to deal with anti-social behaviour.
 - We will participate in joint working with partner agencies.
 - We will place victims and witnesses at the centre of our procedures.

3.3 Definition of Anti-Social Behaviour

- 3.3.1 Anti-social behaviour (ASB) is defined as “*conduct that has caused, or is likely to cause, harassment, alarm or distress to any person*”. This is the generally accepted term.
- 3.3.2 ASB is further defined under certain circumstances, as follows:
- For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: “conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”;
 - For the purposes of the housing management functions of a housing provider or local authority: “conduct capable of causing housing-related nuisance or annoyance to any person”
 - For the purposes of ASB case reviews (the “Community Trigger”): “behaviour causing harassment, alarm or distress to members or any member of the public”.
 - Hate Crime threats of violence or intimidation because of an individual’s Race, Sexual orientation, Gender, Transgender, Religion, Disability
 - Violence against a person
 - Damaging property
 - Verbal abuse and insults
 - Intimidation, using or threatening violence
 - Nuisance from pets
 - Noise nuisance

3.3.3 Any person who has a concern as to whether they are being affected by anti-social behaviour should seek advice and assistance from their Housing Officer.

3.4 Working in context

3.4.1 Our work combating anti-social behaviour takes account of our many obligations and considerations. Our policy is part of the East Devon Safer Community Anti-Social Behaviour Strategy, designed to provide a balanced and co-ordinated approach to the prevention, identification and rectification of anti-social behaviour throughout East Devon.

3.5 Our approach

3.5.1 East Devon District Council working with all partner agencies is committed to using a wide range of measures to prevent and combat anti-social behaviour. Some of these measures are:

- We have tenancy agreements that sets out anti-social behaviour approach.
- We will fully explain the tenancy agreement to all new tenants.
- We will use a wide range of measures to address anti-social behaviour including interviews, informal and formal warnings and Acceptable Behaviour Contracts (ABC's).
- We will use the legal remedies that are available to us including civil injunctions, possession proceedings.

3.6 How to make an Anti-social Behaviour report or complaint about and an incident

3.6.1 If our tenants and residents are suffering from any kind of anti-social behaviour we request that they report the problem as soon as possible to their housing officer.

3.6.2 Antisocial Behaviour reports can be made in person, in writing, by telephone, by email or through a third party, for example through a councillor, friend or relative. However, the third party will not be able to obtain any information about your report

3.6.3 Complaints can also be made anonymously, however this may restrict the amount of investigation and action we can undertake and won't allow us to provide the complainant with information and support. We would recommend therefore, that complainants give us their name and address. This will not be revealed to any other party without the consent of the complainant.

3.6.4 It is important that problems are reported promptly. There are several reasons for this:

- It allows us to give advice and support to the people who are suffering as a result of the behaviour from an early stage.
- It allows us to take prompt action in dealing with the issues.
- It may be possible to solve minor issue(s) very quickly.

- Very serious incidents can be dealt with swiftly, thereby protecting our residents.

3.6.5 Upon receipt of a complaint or anti-social behaviour report we will:

- Record the complaint.
- Acknowledge and respond to the complaint, initially this will usually be by the Housing Officer for the area. If the problem is serious and/or continues after initial action has been taken the case will be referred to the Legal Services via the Housing Matters Forum.
- Interview the complainant and develop an initial action plan, in consultation with the complainant where known, to investigate the problem.
- Consider whether mediation is appropriate and, if so, offer this to the complainant and then to the other party involved in the problem(s).
- Investigate as far as possible every complaint, even when reported anonymously, unless the case is to be referred to mediation.
- Take timely, effective and consistent action to tackle the problems by utilising the range of measures available to us. This will include working with our partner agencies.

3.6.6 If mediation is considered inappropriate or is refused, the action plan will usually involve assisting us by gathering further evidence of any further incidents or ongoing problems. This is likely to involve the complainant keeping a diary of further incidents (diary sheets will be supplied). It's important that these are completed as soon as possible after an incident has occurred and supply as much detail as possible. This will enable us to:

- Assess objectively the level of the problem.
- Assess the success of any action we take.
- Build a case for further action.
- Take further action.

3.6.7 If for any reason the complainant is unable to complete diary sheets, for example due to learning or sensory disabilities, literacy problems or language barriers, alternative methods of information collection can be used.

3.6.8 All information supplied to us will be treated as confidential and the identity of the complainant **will not** be revealed without their permission or where the need to take the matter to court requires this to be disclosed. However, there may be instances where we cannot take any further action without revealing the identity of the complainant. This will be fully discussed with the complainant and their permission gained before we will proceed. It's important that the complainant gives due consideration to this as it may become impossible for us to take any action to address the problem if permission is not given. No legal action will commence if permission is not obtained.

- 3.6.9 When full information has been obtained from the complainant it will usually be necessary to consider securing other supporting evidence,
- Contacting others who may have been affected by the conduct.
 - Issuing incident diary sheets to witnesses.
 - Interviewing the alleged perpetrator.
- 3.6.10 The following possibilities will be considered only in the most serious of cases working with the police and other support agencies, these will be used as an exception and are not considered without police support and senior officers consideration:
- CCTV surveillance of the area where the problem has occurred.
 - Use of professional witnesses.
- 3.6.11 Whatever the outcome of the assessment, contact will be maintained with complainants and witnesses throughout this process and they will be kept informed of the outcome.
- 3.6.12 If no further complaints are received the case may be closed, but no case will be closed until a check has been made with all complainants and witnesses. A new case may be opened at a later date if subsequent complaints are received.
- 3.6.13 If however, further complaints are received despite the initial action or if the case is deemed to be serious or urgent, the case will then be referred to the Legal Services and Housing Matters Forum for further action. A letter will be sent to all concerned informing them of this and providing contact details of the Housing Officer who will be dealing with the case. At any time during this process, serious or urgent cases will be referred to the Legal Services and Housing Matters Forum immediately.
- 3.6.14 The case will then be assessed and an appropriate course of action taken. Further investigations need to be made. These should be carried out as quickly as possible and the case should be reviewed and reassessed within an agreed timescale. Actions that may be considered, include but are not limited to:
- No action required because there's no case to answer.
 - Informal resolution where an understanding has been reached.
 - Warning letters and formal cautions.
 - Acceptable Behaviour Contracts (ABCs).
 - Referral to another agency.
 - Environmental Health Action for Statutory Nuisance.
 - Injunctions (if the case involves violence or threats of violence it may be possible to obtain an emergency injunction with exclusion and power of arrest) without notice.
 - Undertakings.
 - Possession proceedings.

3.7 Supporting witnesses and complainants

- 3.7.1 We recognise that the participation of witnesses and complainants is central to success in dealing with anti-social behaviour. We'll do this by dealing with complaints promptly and keeping witnesses informed. We'll also offer real and practical support by a number of initiatives, including:
- Providing home security measures.
 - Providing panic alarms in serious cases.
 - Liaising closely with the police.
 - Using our officers as professional witnesses.

3.8 Multi agency working

3.8.1 We will engage in collaborative work with other agencies in order to deter or prevent anti-social behaviour and to rehabilitate those who have engaged in such behaviour. We'll support and make referrals to the Devon Mediation Service to encourage resolution of disputes by consensus at the earliest possible stage, where it is appropriate for mediation to be offered.

3.8.2 We will work with agencies to engage support for tenants whose tenancies are at risk by reason of ASB. We'll participate in the Crime and Disorder partnership meetings and will access intervention services from agencies such as mental health, drug and alcohol services and counselling services.

3.8.3 We will work with our partner agencies in a manner that will combine and co-ordinate our efforts to best effect. We identify our principal partners in this activity as the police, the Community Safety team and our fellow social landlords.

3.8.4 We will complete and maintain data exchange protocols with our partner agencies to facilitate this collaborative work.

3.9 Our staff

3.9.1 Our staff are central to the delivery of our response to anti-social behaviour. We will make a commitment to protecting our staff when they are personally subjected to offensive conduct, behaviour and threats.

3.9.2 We will train our staff to ensure that they are aware of the issues of anti-social behaviour, the remedies which they can access and their role in the procedure.

4 Equality impact considerations the policy is high relevance to equality if it has a big impact on residents and users of the service

High

5 Appendices and other relevant information

6 Who authorised the policy/strategy and date of authorisation.

7 Related Policies/Strategies, Procedures and Legislation

Anti-social Behaviour, Crime and Policing Act 2014.
Anti-social Behaviour Act 2003
East Devon Safer Community Anti-Social Behaviour Strategy
Housing Act 1996
EDDC Domestic Abuse Policy
Possession of Council Homes and Garages Policy

8 Policy date for review and responsible officer

8.1 The Landlord Services Manager will review the policy in February 2020