



Appendix A

Anti-Social Behaviour

Statement of Policies
Statement of Procedures

DRAFT

June 2015

VERSION HISTORY	Version 1
Effective date	
Review date	

VERSION HISTORY	Version
Effective date	
Review date	
Brief summary of changes	

KLOE/TSA standard	Tenancy and estate management Neighbourhood and community
Linked and /or related documents, statute	Domestic Violence policy Harassment Policy Statute: Housing Act 1985, 1988, 1996 and 2004, Antisocial Behaviour Act 2003, Protection from Harassment Act 1997, Crime and Disorder Act 1998, Public Order Act 1986, Police Reform Act 2002, Violent Crime Reduction Act 2006, Police and Justice Act 2006, Environmental Protection Act 1990, Noise and Statutory Nuisance Act 1993, Clean Neighbourhoods and Environments Act 2005, Noise Act 1996, Homelessness Act 2002, Data Protection Act 1996, Disability Discrimination Act 1995 and 2005, Race Relations Act 1976 and 2000, Anti-social Behaviour, Crime and Policing Act 2014.

Staff consultation	
Resident consultation	
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Glossary

Term	Definition
Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs)	These partnerships were formed as result of the Crime and Disorder Act (1998) and there is one in every local government area, a total of 376 in England and Wales. They are accountable to the Crime Reduction Director in the relevant regional government office.
Multi Agency Risk Assessment Committees (MARACs)	A forum where multiple agencies get together to provide a coordinated response.
Drugs and Alcohol Action Teams (DAATs)	The partnerships responsible for delivering drug and alcohol strategies at a local level.
Youth Offending Teams	A statutory, multi-agency team that was set up following the 1998 Crime and Disorder Act with the intention of reducing the risk of young people offending and re-offending, and to provide counsel and rehabilitation to those who do offend.
Family Intervention Projects	Family intervention projects work to turn around the behaviour of families and reduce their impact on their community. In the past year the Government has worked with local authorities to establish over 50 family intervention projects across the country.
Partners and Communities Together (PACT)	PACT (Partners and Communities Together) brings together the main public, private, voluntary and community organisations in an area. Meetings seek the views and involvement of local communities.
Cambridgeshire Primary Care Trust (PCT)	Work in partnership with other organisations, such as local councils and the voluntary sector, to improve the health and wellbeing of the residents of Cambridgeshire.
Cambridgeshire Fire and Rescue Service	Proactive in arson prevention and road safety, working closely with partner organisations to achieve reductions in these areas.
Trading Standards	Trading Standards Service provides a variety of statutory and non-statutory services for consumers and businesses, as well as fulfilling an enforcement function. They provide a wide range of services that contribute to improvements in safe and healthy lifestyles, crime and disorder and economic development.
Social Care and Office of Children Young People's Service (OCYPS)	Sharing information about children and young people in ways which protect confidentiality but also ensure that children and young people are adequately protected.
Education Welfare	Parents have a legal duty to ensure that their child receives an education suitable to his/her age, ability and aptitude and any special needs. Education welfare officers aim to ensure that all children receive an education.

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1.0 Scope

1.1 The Antisocial Behaviour Statement of Policies and Statement of Procedures sets out our strategy and commitment to tackling antisocial behaviour in and around the homes that we own and manage, including antisocial behaviour experienced by:

- residents or service users
- Council staff or contractors
- Other residents in a neighbourhood (where a Council tenant is the alleged perpetrator, or where Council tenants are also affected by the behaviour)

1.2 This document comprises two of the three documents we are required by the Antisocial Behaviour Act 2003 to publish, the **Statement of Policies** and the **Statement of Procedures**. A summary **Statement of Policies and Procedures**, the third required document, is published separately. These documents are available for residents to access from their landlord, and on the website. In addition there is a customer leaflet available that sets out how residents can report antisocial behaviour, and how they can expect us to respond. Similar information is also available in the tenant handbook.

1.3 There are separate policies and procedures covering **Harassment** and **Domestic Violence**. These three policies and procedures are closely linked.

1.4 Complaints about the behaviour of staff or contractors will be taken forward through the Council's Complaints, Comments and Compliments policy.

2.0 SECTION 1: Statement of Policies

2.1 Tackling and preventing antisocial behaviour with residents and partners is a commitment by the Council in a bid to develop Safer and Stronger communities. We believe that residents have the right to live free from concern about antisocial behaviour. Our approach includes:

- Prevention of antisocial behaviour through a variety of physical and social interventions, including clear communication of our expectations
- Dealing promptly, proportionately, flexibly and effectively with incidents of antisocial behaviour using a partnership approach, offering support to victims, keeping complainants and the wider community regularly updated where appropriate, and using legal remedies where necessary
- A commitment to working with perpetrators to change their behaviour wherever possible, seeking possession as a last resort

2.2 We will comply with and use the following legislation as part of our antisocial behaviour approach:

Housing Act 1985, 1988, 1996 and 2004, which set out tenancy rights and responsibilities, and provide remedies to deal with problems of antisocial behaviour.

Antisocial Behaviour Act 2003 which requires us to prepare and publish statements of our policies and procedures on antisocial behaviour, and builds on the provisions in the 1996 Housing Act around antisocial behaviour injunctions, demoted tenancies and seeking possession on antisocial behaviour grounds.

Family Law Act 1996, Protection from Harassment Act 1997, and Domestic Violence, Crime and Victims Act 2004 which legislate specifically around harassment and domestic abuse (as detailed further in our Harassment and Domestic Abuse policies)

Public Order Act 1986, Crime and Disorder Act 1998, Criminal Justice and Police Act 2001, Police Reform Act 2002, Violent Crime Reduction Act 2006, and the Police and Justice Act 2006, which set out provisions for combating crime and disorder, including penalties that can be applied, parenting orders and ASBOs

Environmental Protection Act 1990, Noise and Statutory Nuisance Act 1993, Noise Act 1996, and the Clean Neighbourhoods and Environments Act 2005 which cover action that can be taken to deal with noise nuisance, littering and fly tipping, and control of dogs.

Homelessness Act 2002 which governs the conditions under which possession may or may not be sought

Data Protection Act 1996 which sets out principles about use and sharing of personal information covered by the Act

Disability Discrimination Act 1995 and 2005 which requires us to ensure that in dealing with allegations of antisocial behaviour we do not discriminate against an individual because of a disability that they have

Race Relations Act 1976 and 2000, which requires us to ensure that we do not discriminate against an individual because of their race

Regulation of Investigatory Powers Act 2000 which regulates the interception of communications, the acquisition and disclosure of communication data, the carrying out of covert surveillance in private premises or vehicles ('intrusive surveillance') or in public places but likely to obtain private information about a particular person ('directed surveillance').

Anti-social Behaviour, Crime and Policing Act 2014 statutory guidance issued under sections 19, 32, 41, 56, 73 and 91 of the Anti-social Behaviour, Crime and Policing Act 2014 and replaces the draft guidance in October 2013.

2.3 We will also comply with our regulatory requirements, as set out in Tenant Services Authority's national standards.

3.0 Structure of the document

3.1 The first section of this document sets out Council's policy on some cross cutting issues:

- Defining antisocial behaviour
- Resident responsibilities
- Partnership working
- Data protection and confidentiality
- Staff training

3.2 The second part of the Statement of Policies summarises our response to reports of antisocial behaviour, including an overview of what response options we will use, and support considerations.

3.3 The Statement of Procedures sets out details of these response options and our procedures for responding to reports of antisocial behaviour.

4.0 Defining Antisocial Behaviour

4.1 Antisocial behaviour can be anything from low-level nuisance to serious violent behaviour. It includes all behaviour that impacts negatively on residents' quality of life in and around their homes.

4.2 The Housing Act 1996 as amended set out the following definitions of antisocial behaviour in the context of applying for an injunction. These definitions can be used more broadly as well in the definition of antisocial behaviour that we can take action against as a social landlord:

- Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to, or affects, the housing management functions of a relevant landlord; or
- Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose

4.3 The antisocial behaviour may occur within the neighbourhood of the perpetrator or victim.

4.4 People to whom the conduct may cause a nuisance include anyone who has a right to live in property that we own or manage, those living in the locality of property that we own or manage, and anyone else lawfully in the area who is affected by the behaviour of a Council tenant.

4.5 We can take action to deal with antisocial behaviour perpetrated by residents regardless of their tenure, choosing appropriate response options in order to do so, and working in partnership where necessary.

4.6 Where residents are leaseholders or shared owners, much of this policy and procedure will still apply, including the early interventions. We will take legal action in accordance with the terms of the lease, as these may differ from case to case.

4.7 Some of the common types of antisocial behaviour are listed below:

- Harassment (see Harassment policy) and intimidating behaviour
- Hate crime, for example racist or homophobic abuse
- Behaviour that creates alarm and fear
- Noisy neighbours and loud parties
- Problems associated with people dealing and / or using drugs
- People being drunk and / or rowdy
- Vandalism, graffiti and other deliberate damage to property
- Rubbish, litter lying around, fly tipping and abandoned cars etc.
- Pets

4.8 These types of behaviour may involve serious criminal activity. The main thing to consider is the impact of the behaviour on others.

5.0 Resident responsibilities

5.1 We expect residents and their visitors to behave in a responsible way and to respect other tenants and residents in the local area. Our Tenancy Agreement contains nuisance clauses that prohibit tenants from engaging in antisocial behaviour.

5.2 Leaseholders and shared owners are also covered by this policy, and are expected to refrain from antisocial behaviour. Leases also contain references to nuisance, but these will vary from case to case. We will take enforcement action according to the terms of the individual lease.

5.3 Tenants are responsible for the actions of other members of their household and any visitors, and we may take action against them as a result of antisocial behaviour perpetrated by any members of their household or visitors.

5.4 We encourage residents who have experienced or witnessed antisocial behaviour to report it to us promptly, and to engage with us to resolve problems. We encourage communities to take ownership of their areas, and to play a part in preventing and responding to antisocial behaviour.

6.0 The Tenant Services Authority Antisocial behaviour Standard

6.1 Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.

6.2 In their work to prevent and address ASB, registered providers shall demonstrate:

- That tenants are made aware of their responsibilities and rights in relation to ASB
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
- A strong focus exists on preventative measures tailored towards the needs of tenants and their families.
- Prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
- All tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not.
- Provision of support to victims and witnesses

7.0 Partnership working

7.1 Successful outcomes in dealing with antisocial behaviour rely on partnership working. We will partner with the police, the education authorities, social services, support

providers, Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs), Multi Agency Risk Assessment Committees (MARACs), Drugs and Alcohol Action Teams (DAATs), youth offending teams, probation services, family intervention projects, mediation services, Cambridgeshire Fire Service, trading standards, Cambridgeshire Primary Care Trust (PCT), voluntary sector organisations, victim support and all other relevant bodies. This is particularly important when considering:

- Different powers available to different agencies
- Information sharing about individuals and cases where data protection law allows
- Providing appropriate support to victims, witnesses and perpetrators

7.2 Antisocial behaviour can affect residents of any given neighbourhood regardless of tenure or landlord. We will work with other owners and managers of property within neighbourhoods where we own or manage property to find the appropriate neighbourhood solution, including private landlords.

7.4 We will play an active role in local Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs) and other local and regional forums that work to reduce antisocial behaviour in areas where we own and manage stock. Where appropriate we will take a leading role in such partnerships, proactively working to make them effective, improving outcomes for individuals, and linking in to wider local, regional and national agendas.

7.5 We will develop effective information sharing protocols with all relevant partners to facilitate the straightforward exchange of pertinent information, for the purposes of tackling antisocial behaviour, within the requirements of Data Protection law.

7.6 We will set up partnership arrangements with relevant advice and support providers to facilitate easy referrals and improve the overall service received by victims, witnesses and perpetrators.

7.7 We will work closely with other organisations to ensure a holistic and coordinated approach to dealing with problems of antisocial behaviour, avoiding duplication of effort. We will work together to use powers available to different organisations. Details of these powers are included in the Statement of Procedures.

7.8 We will work with other organisations and partner agencies to ensure effective and efficient use of resources and to prevent duplication.

8.0 Data Protection and Confidentiality

8.1 The Data Protection Act 1998 set out requirements for ensuring that data about individuals is properly protected, and only shared in a lawful way. We will comply with the best practice guidance set out in the Framework Code of Practice for Sharing Personal Information published by the Information Commissioner. Any information shared:

- will be necessary, relevant and not excessive
- will be shared fairly and transparently
- will be accurate and up-to-date
- won't be kept any longer than is necessary
- will be kept secure

- will be able to be requested by the individual that it relates to.

8.2 Where there isn't an information sharing agreement in place information will only be shared after confirmation from a solicitor, ASB Specialist or the Data Protection Officer that it is lawful to do so.

8.3 Staff will at all times be vigilant to ensure that they maintain confidentiality, and do not give details of cases they are involved in or aware of to any person inappropriately.

8.4 We will be sensitive to the effect that disclosure of identity to a perpetrator or any other party could have on a complainant. We will only disclose the complainant's identity to the perpetrator and any other parties including doctors and teachers with their explicit written permission.

8.5 In some cases we will make referrals to social services or to the police without the permission of the complainant, where the situation justifies it.

8.6 Under section 35 of the Data Protection Act information disclosed as a requirement of law or in connection to legal proceedings or obtaining legal advice is exempt from the non-disclosure provisions.

9.0 Staff training

9.1 All staff receive data protection training as part of their induction.

9.2 Staff responsible for responding to reports of antisocial behaviour and finding solutions will receive appropriate training.

10.0 Tackling antisocial behaviour

10.1 We are committed to tackling antisocial behaviour through prevention, early intervention, support options, working in partnership to use other agencies' powers, and where necessary taking legal action.

10.2 The Council is committed to working proactively to prevent the incidents of antisocial behaviour on all of our estates and in the villages. Further detail on these commitments is available in the Statement of Procedures. In summary, we will do the following:

- Work to make sure that tenancies start on the right note, including making appropriate lettings where possible, and setting out our expectations of behaviour clearly before and at the beginning of the tenancy. We will work to identify any support needs before and at the beginning of a tenancy, and make appropriate referrals to support providers.
- Promote the use of Good Neighbourhood Agreements on our estates; specific to local issues, setting agreed standards of behaviour with residents in specific areas.
- Consider what physical improvements could reduce antisocial behaviour and increase safety and perception of safety, including carrying out regular estate inspections and managing maintenance contracts; carrying out estate improvements and planned property upgrade programs, including in some cases the installation of crime deterrents.
- Use a range of other antisocial behaviour reduction initiatives at a local level, including proactive involvement in the local community and partnership working with other agencies working in the area..

10.3 Where antisocial behaviour does occur, we will respond quickly, working in partnership as appropriate. Taking action against perpetrators of antisocial behaviour sends a clear message to other residents that we will not tolerate such behaviour.

10.4 The response to any situation will vary from case to case and can depend on:

- The type of behaviour and its impact on others
- The evidence available to support a case
- Any vulnerability suffered by the victim, complainant or perpetrator, including whether the victim, complainant or perpetrator has a disability under the Disability Discrimination Act

10.5 The action that will be taken in any particular instance will be detailed in the case action plan when it is formulated. This will be reviewed as appropriate.

10.6 We reserve the right to respond to individual cases, as we consider appropriate. This may involve using the response options set out in this policy and procedure in the order they are suggested, or in any other order. We also reserve the right not to use any of the response options if we do not think they are appropriate.

10.7 Where the alleged perpetrators are children or young people we will involve parents and guardians to help to resolve the problem. We will also liaise with social services, schools, youth offending teams, and any other relevant bodies.

10.8 All action that we take to deal with antisocial behaviour will be communicated clearly to complainants, witnesses and perpetrators in a language and format appropriate to their needs. We will keep all parties regularly updated about progress.

11.0 Early interventions

11.1 The Council is committed to intervening at an early stage in antisocial behaviour cases in order to resolve problems and prevent their escalation. When a report is made of antisocial behaviour, we will consider the use of the following early intervention:

- Visits
- Support and multi-agency referrals
- Written and verbal warnings
- Mediation
- Acceptable Behaviour Contracts (ABCs)
- Parental Control Agreements (PCAs)
- Good Neighbour Agreements (GNAs)

11.2 Sometimes antisocial behaviour may be caused by or exacerbated by the perpetrator's vulnerabilities or disabilities. We will be vigilant to consider whether this may be the case. However, we will still take action to deal with antisocial behaviour perpetrated by someone with vulnerabilities or disabilities.

11.3 We will use a verbal and written warning system to deal with complaints about breaches of tenancy or antisocial behaviour at an early stage. We will not send a written warning unless we have some level of confirmation that the person involved has in fact carried out the antisocial behaviour they are accused of.

11.4 The Council will promote mediation to resolve minor disputes between two neighbours around issues such as car parking, boundary disputes, dogs barking, lifestyle conflicts and noise nuisance.

12.0 Enforcement action

12.1 The law has created tools that can be used by landlords to deal with cases of antisocial behaviour. We will use legal action where necessary, but in general we will try to work with perpetrators and complainants to resolve the situation without resorting to legal action. Early interventions as listed in the section above are our preferred first approach.

12.2 Where these early interventions fail to achieve desired outcomes, or where incidents are of a serious nature, we will consider using the following:

- Eviction
- Civil Injunctions
- Closure Orders
- Criminal Behaviour Orders
- Community Protection Notices
- Public Spaces Protection Orders
- Absolute Ground For Possession

12.3 We will decide what enforcement action is most appropriate on a case by case basis. We reserve the right to take whatever action we consider to be most appropriate in each circumstance.

12.4 We will follow the Governments guidelines and will use the appropriate current legislative orders available to us as and where necessary.

12.5 We may consider using demoted tenancies but this will require a Council decision. However we will use possession action as standalone remedy or in conjunction with applying for an injunction or an antisocial behaviour order.

12.6 We will only take possession action as a last resort where there is serious antisocial behaviour, and where we have a real intention of seeking possession. Our priority as a social landlord is to ensure tenancies are sustained in a way compatible with the needs of others not to suffer antisocial behaviour, and to avoid simply moving problems elsewhere. However, when we apply for possession we will follow through on it. We will follow the standard process for approving evictions.

12.7 We will get legal advice and guidance at an early stage and throughout all cases where we take legal action. We will ensure that we use appropriate legal advisors who are experts in their field. We will be clear about what we want our legal advisors to do to ensure we get an effective, value for money service.

13.0 Support for victims, witnesses and perpetrators

13.1 We will consider whether victims, witnesses or perpetrators have any support needs from the beginning of any case that we are dealing with and adopt a victim harm centered approach. A risk assessment will be carried out on individuals to ascertain their level of risk / distress / vulnerability.

13.2 Antisocial behaviour can cause significant distress to victims and witnesses. The Council will work with local agencies and community groups to help provide appropriate support for victims of antisocial behaviour. We may provide this support from within the group or work with external partners or agencies. We will refer to specialist agencies, where relevant, to provide specialist help and support to help tackle antisocial behaviour.

13.3 We will make the reporting process, interviewing, creation of an action plan and evidence collection mechanisms as straightforward as possible to minimise the burden on complainants. Staff dealing with reports initially and on an ongoing basis will be considerate and sensitive to the potential distress of the victims and witnesses.

13.4 In severe cases, for example where physical violence has been experienced, or there is irresolvable damaging conflict between two parties, we may consider whether a voluntary move on management grounds would be appropriate.

13.5 Where we are considering proceeding to legal action against perpetrators of antisocial behaviour, we will make sure we are not discriminating against the perpetrator because of a disability that they have, in accordance with the Disability Discrimination Act 1995 and 2005.

13.6 We will make every effort to protect and support witnesses during court proceedings. We will cover reasonable expenses.

14.0 Service Standards

14.1 We will:

- Use a range of prevention measures to reduce antisocial behaviour
- Take a victim-centered approach
- Investigate all complaints of antisocial behaviour
- Ensure that all reports of antisocial behaviour are responded to
- Report incidents of racial harassment and domestic violence to the relevant partner agency within 24 hours
- report offensive or discriminatory graffiti to the relevant department within 24 hours of it being reported
- Support and work with the complainant in trying to resolve the complaint
- Agree an action plan within two weeks of receiving a report and review this every month
- Offer clear advice and support when an incident is reported
- Use a range of legal and non-legal remedies to resolve antisocial behaviour, taking an approach that is appropriate to the case
- Review all open cases after three months
- If we feel a case should be closed, we will notify the complainant and give them an opportunity to appeal
- After a case is closed we will ask for feedback on how we dealt with the case.

15.0 Monitoring

15.1 We will collect data on antisocial behaviour in order to:

- Make sure we meet our targets
- Make sure we don't discriminate against anyone in any individual case

- Find out about customer satisfaction and work to improve our services accordingly
- Identify hotspots of antisocial behaviour and specific problems; and
- Target resources to tackle antisocial behaviour appropriately

15.2 Some of the particular things we will monitor are:

- number and type of incidents reported
- support offered and referrals for further support
- number of cases resolved
- level of resident satisfaction with outcome and handling
- actions taken and response options used
- equality and diversity information relating to the complainant, victim and perpetrator
- method of reporting ASB cases
- cost of externally-procured ASB legal services
- cost of externally-procured non-legal services such as mediation, and specialist victim and witness support services
- repair and clean-up costs associated with ASB

16.0 Equality and Diversity

16.1 It is essential to recognise that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly.

16.2 We recognise that antisocial behaviour can be caused or exacerbated by vulnerability or disability. We will work with perpetrators of antisocial behaviour to ensure they have the support they need.

16.3 We will ensure that any enforcement action taken, including legal action complies with the requirements of the Disability Discrimination Act 1995 and 2005.

16.4 We recognise that perception of antisocial behaviour may also be affected by vulnerability or disability. We will take a harm centered approach and risk assess to work with complainants to ensure that they have the correct support they need.

16.5 We will not tolerate harassment, including discriminatory graffiti. Action to tackle harassment will be taken in line with our Harassment policy.

16.6 In line with section 49 of the Disability Discrimination Act 1995 as amended we will comply with the duty on public authorities to eliminate harassment of disabled persons that is related to their disabilities.

16.7 All customers will have access to this document upon request or from our website

16.8 This document and accompanying leaflet can be translated or provided in alternative formats (e.g. Braille, large print, and audio) upon request.

17.0 Publicising the Policy

17.1 The Council publicises its policies and procedures on antisocial behaviour to residents and staff in a number of ways:

- Tenants Handbook
- Leaflets

- South Cambs magazine
- South Cambs website
- In-site
- Policy Briefings
- Training

17.2 We comply with the requirements of the Antisocial Behaviour Act 2003 to publish a Statement of Policies (included in this document), a Statement of Procedures (included in this document) and a summary Statement of Policies and Procedures. We will publish these documents on our website and make them available in our reception areas and on request.

17.3 We will publicise to residents the ways that antisocial behaviour can be reported, and encourage residents to use them.

17.4 We will communicate clearly with residents at the outset of their tenancies and throughout our expectations around antisocial behaviour.

17.5 Where we are taking action to deal with antisocial behaviour in an area we may publicise our actions, including the outcomes of any legal action. We will use personal data appropriately and in line with the law.

18.0 Section 2: The Statement of Procedures

19.0 Prevention

19.1 The Council is committed to working proactively to prevent the incidence of antisocial behaviour. We will:

- Work to make sure that tenancies start on the right note
- Promote the use of Good Neighbourhood Agreements
- Consider what physical improvements could reduce antisocial behaviour
- Use a range of other antisocial behaviour reduction initiatives at a local level

19.2 Wherever possible we will make appropriate lettings, including consideration of:

- Age, ethnicity, gender, disability and other profiles of the proposed tenant and their household in relation to any one neighbourhood
- Ensuring residents are housed in appropriate accommodation for their needs, and have any support that they need from the outset
- Facilities available in the neighbourhood e.g. considering whether there are suitable play areas available in the neighbourhood when housing households with children

19.3 We will communicate clearly with all residents before and at the beginning of their tenancies about our expectations around antisocial behaviour. This includes:

- Explaining the clauses in our tenancy agreements which relate to antisocial behaviour and the implications of breaching the agreement
- Providing residents with the tenant handbook which includes a section on antisocial behaviour, the antisocial behaviour customer leaflet, and any other relevant local publications about antisocial behaviour

- Encouraging residents to report any antisocial behaviour using the contact information in the above documents

19.4 We will respond appropriately to any concerns around support needs identified before the beginning of the tenancy, during sign up interviews and early tenancy visits.

19.5 We will encourage the use of Good Neighbourhood Agreements on our estates. These agreements involve the community in setting standards and expectations for behaviour in their area. They can be particularly useful:

- on new developments or after major refurbishments, where residents are moving together into new or newly refurbished environments
- where there is a general pattern of low to medium level antisocial behaviour perpetrated by more than one person and experienced by more than one person

19.6 They can be effective as a voluntary commitment made by individuals to the community they live in. In general, we won't use an incentive system with the agreements to reward or punish behaviour.

19.7 We will use Good Neighbourhood Agreements in conjunction with a range of other enforcement and preventative measures. We will provide clear information about why we are using Good Neighbourhood Agreements and how they work, so that residents feel confident in signing up to them.

19.8 We will work together with communities to develop Good Neighbourhood Agreements, seeking to engage local residents and to encourage them to share some of the responsibility for tackling nuisance behaviour and promoting positive behaviour.

19.9 We will develop Good Neighbourhood Agreements that are easy to understand, attractively presented, concise, reflect our overall policy approach, and focus on local priorities.

19.10 We recognise that the physical environment of a neighbourhood can affect the likelihood of antisocial behaviour occurring. For example, maintaining neat and tidy estates can reduce the incidence of graffiti, fly tipping and vandalism. In addition these interventions can increase resident safety and perception of safety in the area.

19.11 In line with our estate management policy we will:

- Carry out regular estate inspections to check maintenance standards and note any repairs that are needed
- Ensure that appropriate cleaning and grounds maintenance contracts are procured and managed
- Deal promptly with any reports of graffiti, fly tipping, abandoned vehicles and repairs (any discriminatory graffiti will be removed within 24 hours)
- Carry out estate improvements, particularly on estates where specific problems have been identified

19.12 We will consider whether crime deterrents would be effective, bearing in mind overall costs of installation, maintenance and monitoring. These deterrents might include:

- Improving lighting arrangements
- Changing the layout of vegetation or landscaping, or carrying out alterations to walls, passageways and entranceways etc. to remove trouble spots

- Installation of signage
- Installation of CCTV cameras where there is a clear benefit to be gained and there is an arrangement to monitor the tapes, or installation of dummy CCTV cameras
- Installation or improvement of controlled door entry systems, particularly in blocks with communal entries, or other security systems
- Installation of ‘mosquitoes’, pink tube lighting, classical music outlets or other creative approaches to tackling antisocial behaviour

19.13 When we carry out estate improvements or install crime deterrents we will, where appropriate, involve the local community in considering the most appropriate solutions to local problems, where possible including them in design and layout planning.

19.14 On new developments and when we carry out major works we will work to “Secured by Design” principles wherever possible.

19.15 Where there are particular problems on estates which exacerbate antisocial behaviour (for example poor sound insulation) we will consider whether we could carry out a planned programme of work to remove or reduce the problem.

19.16 At a local level, we will work proactively and creatively with partner agencies to find effective ways to preventing antisocial behaviour occurring, including for example:

- Running youth diversionary activities such as football clubs, and considering providing transport where needed to attend the activities
- Setting up community development activities, including regular clubs and societies as well as one-off events, and considering running events such as good neighbour award ceremonies.
- Involvement in local schools, including participating in workshops and assemblies to improve understanding of antisocial behaviour and its consequences
- Working in partnership to increase the presence in neighbourhoods of community wardens and community police
- Setting up neighbourhood watch or other equivalent schemes where appropriate

19.17 We will work to develop good community spirit, promoting respect and pride in the community.

19.18 We may publicise results of successful antisocial behaviour interventions using a range of media, including:

- website
- South Cambs magazine
- Local newspapers
- Community notice boards
- Mail shots

19.19 We will use the publicity of cases wisely as although it can act to deter others from engaging in such conduct, “naming and shaming” may have the adverse effect. Any publicity will comply with data protection law, and where necessary will be checked with the legal officers or our data protection officer. In some cases the court or the police may instruct us that publicity is not advisable.

19.20 We will use similar mechanisms to publicise to residents our expectations around antisocial behaviour, and how residents can report problems.

19.21 We will work in partnership to offer surgeries in local areas with representatives from relevant organisations such as the police and other agencies.

20.0 Responding to reports of antisocial behaviour

20.1 Antisocial behaviour can be reported by victims or witnesses by phone, e-mail, letter, in person or on our website. Contact numbers are advertised on the website, in the Tenant's Handbook, and in customer leaflets.

20.2 We will work with residents to determine service standards.

20.3 We will contact the complainant within two working days if there is a risk of injury, damage to the household, home or serious criminal activity is reported.

20.4 The officer responsible for the case will contact the complainant within ten working days of the initial report and provide them with diary sheets and useful information.

20.5 Where emergency repairs or removal of particular types of graffiti are required as a direct result of ASB we will pass the details to the relevant department within 24 hours of the report.

20.6 We will take a harm centered approach and risk assess all complainants so that we are aware of complainant's vulnerabilities, and provide a quicker response where possible to meet their needs.

20.7 We will at all times be considerate of the disturbance and upset that antisocial behaviour can cause for victims, witnesses and the wider community. We will be quick to offer support options where they may be appropriate.

20.8 We will encourage complainants to report any criminal behaviour to the police. We will report any concerns about the safety or wellbeing of any children to social services. We will also report any concerns to relevant partner agencies about the welfare of victims, witnesses and perpetrators.

20.9 Complaints which do not fall under the category of antisocial behaviour (for example complaints about a staff member's conduct) may be referred through the Complaints process instead of following the antisocial behaviour procedure. Please see the Council's Complaints, Comments and Compliments policy for more details.

20.10 Staff members will be aware of the possibility of unfounded or libelous reports being made, as well as racist or other discriminatory motivations behind accusations. All such reports will be investigated, but it may be decided to close the case at an early date. Where it is considered that the complainant is in fact perpetrating harassment, we will take action in line with our Harassment policy and procedure. We will be sensitive about allegations against those that already feel stigmatised or victimised.

20.11 An interview with the complainant will be carried out within fifteen working days of the report, unless we are not able to agree an appropriate time with the complainant within that timescale. During the interview a Nuisance Action Plan and Risk Assessment will also be completed. We will also interview the alleged perpetrator and any other witnesses or victims within ten working days of interviewing the complainant.

- 20.12 In all cases the security of staff is paramount. Staff health and safety is covered by the Health and Safety policy and the Lone Working policy.
- 20.13 Where it is evident that antisocial behaviour has occurred an action plan for dealing with the problem will be finally agreed within 15 working days of the initial report. The action plan will set out what the complainant will do and what the landlord will do including agreeing timescales for communication with the tenant in relation to updates on the case. We will give the complainant a copy of the action plan within five working days of its creation, as well as a copy of the antisocial behaviour customer leaflet that sets out our overall commitments.
- 20.14 We reserve the right to respond to individual cases, as we consider appropriate. This may involve using the response options set out in this policy and procedure in the order they are suggested, or in any other order. We also reserve the right not to use any of the response options if we do not think they are appropriate.
- 20.15 Where there is no evidence that any antisocial behaviour has taken place (taking into consideration the definitions of antisocial behaviour set out at the beginning of the policy), we may take the decision to close the case without creating an action plan.
- 20.16 At this early stage we will discuss the complainant's expectations with them, explaining what we are able to do, what we need to work in partnership to do, and what we can't do. In all appropriate circumstances we will ask all parties involved to accept mediation as a way of resolving disputes.
- 20.17 We will be vigilant throughout to consider any support needs that the complainant or victims may have and to refer them to any appropriate support routes as necessary. Where the complainant has a physical or mental disability we will proactively work to ensure we accommodate their needs. Sometimes an individual's perception of behaviour to be antisocial may be affected by vulnerability or disability. Where this is considered to be the case we will ensure that appropriate support is provided to overcome these perceptions.
- 20.18 Regular review of the case and communication with the victim(s) and/or witness(es) is key to managing satisfaction levels and achieving a positive result. We will make contact with the complainant on a regular basis as agreed within the action plan and will carry out a review of the action plan on a monthly basis (30 calendar days) to check the approach is still appropriate in light of any new evidence.
- 20.19 Cases will be closed when the complainant is satisfied with the outcome. Cases may also be closed:
- If the complainant withdraws their complaint
 - If there is no further possible action that can be taken, and the problem is not considered serious
 - Where new evidence changes the case, for example where it becomes apparent that antisocial behaviour has not taken place
 - Where no correspondence has been received from the complainant for two months.
- 20.20 Where we feel a case should be closed we will offer the resident opportunity to present new or further evidence that would justify the case remaining open. However we reserve the right to close cases where there is no further action that we can reasonably take, even if the resident is not satisfied with the outcome.

20.21 Where possible we will aim to resolve cases within three months of the initial report. **However where we take legal action it is likely that cases will take longer than three months to resolve.**

20.23 We will use a range of methods to gather evidence. As a start, we will interview the complainant(s), any witnesses, and where appropriate the perpetrator. Where their evidence would be valuable in court we will ask complainants and / or witnesses to provide a statement and attend court.

20.24 Where necessary we will ask complainant(s) to complete diary sheets of their experience. This may be particularly relevant when dealing with noise nuisance and other environmental antisocial behaviour. We will agree timescales with the complainant for completing the evidence collection, and when we will have reviewed the feedback by.

20.25 Staff may carry out scheduled and unscheduled visits to the area to gather evidence, as well as door knocking residents in the area.

20.26 We will liaise with partners, such as the police and other agencies, to gather information relevant to the case. In all situations we will comply with Data Protection law, as stated in our policy.

20.27 We will consider the use of monitoring equipment such as CCTV where appropriate to gather evidence of antisocial behaviour and crime subject to the principles set out in the Regulation of Investigatory Powers Act 2000, the Data Protection Act 1998 and the Code of Guidance prepared by the Information Commissioner. Where appropriate we will consult with residents about the installation of monitoring equipment.

21.0 Early interventions

21.1 The Council is committed to intervening at an early stage in antisocial behaviour cases in order to resolve problems and prevent their escalation. This section sets out the early interventions that we will use:

- Support and multi-agency referrals
- Written and verbal warnings
- Mediation
- Acceptable Behaviour Contracts (ABCs)
- Parental Control Agreements (PCAs)
- Good Neighbour Agreements (GNAs)

21.2 In some cases where the antisocial behaviour is of a particularly serious nature, or where it has re-occurred sometime after a previous incident we may proceed straight to considering legal action such as a Civil Injunction, Closure Order, Community Protection Notice, Criminal Behaviour Order, Absolute Ground For Possession using guidelines as set out by the Government.

21.3 We can use these early interventions with tenants and non-tenants. We will work with other agencies to coordinate action, agreeing a lead agency according to which is most appropriate. Where the perpetrator is our tenant and the behaviour affects a housing management function, it is likely that we will take the lead.

- 21.4 Sometimes antisocial behaviour may be caused by or exacerbated by the perpetrator's vulnerabilities or disabilities. We will be vigilant to consider whether this may be the case and will always take a harm centered approach.
- 21.5 In other instances we may refer individuals to appropriate other agencies such as social services, or private and voluntary sector organisations that provide support. As well as supporting victims, these agencies have the expertise to deal with the wider problems that often fuel anti-social behaviour such as social exclusion, unemployment, family breakdown, truancy, exclusion from school, and drug and alcohol dependency.
- 21.6 Perpetrators may also be able to be referred to structures such as youth offending teams or family intervention projects to provide specific targeted support.
- 21.7 Support offered will be done in consultation with our partners, to ensure that a holistic and effective approach is taken, avoiding duplication of effort.
- 21.8 After a report of antisocial behaviour has been substantiated and a perpetrator identified we will usually give the perpetrator a verbal warning, followed up by a written warning. Where we are unable to contact the perpetrator in person or on the phone, we will just send the written warning.
- 21.9 The verbal warning can be a good opportunity to talk to the perpetrator about the situation and perhaps identify early solutions. However, a warning may not always be appropriate, and other response options should also be considered.
- 21.10 We will use a verbal and written warning system to deal with complaints about substantive breaches of tenancy or antisocial behaviour at an early stage. We will not send a written warning unless we have some level of confirmation that the person involved has in fact carried out the antisocial behaviour they are accused of.
- 21.11 The warning will include details of the antisocial behaviour in question and what conditions of tenancy have been breached; who to contact with any enquiries, and what further action will be taken should the behaviour continue. We will include with the warning our antisocial behaviour leaflet, as well as any relevant documents such as Good Neighbourhood Agreements.
- 21.12 We will be aware of issues which may make a written warning less effective such as learning difficulties, visual impairment, low literacy levels or low understanding of English.
- 21.13 We will take into account action being taken to refer an individual to support services, and any other action already underway.
- 21.14 Written and verbal warnings can be made to any perpetrator of antisocial behaviour, regardless of whether they are a Council tenant or not.
- 21.15 Many neighbour disputes could be addressed early on if the victim were to speak with the person causing the nuisance and raise the issue with them. We will encourage complainants to talk to the other person / people involved to find a solution to the problem.
- 21.16 If informal discussions between neighbours fail to resolve problems, parties involved will be offered mediation, where agreements can be made on resolving the problems. It is less damaging, stressful and expensive than legal action and often quicker to reach a

solution. As well as resolving disputes it may actually strengthen relationships between parties involved.

21.17 The Council will promote mediation where appropriate to resolve minor disputes between two neighbours around issues such as car parking, boundary disputes, dogs barking, and noise nuisance.

21.18 An ABC is a voluntary agreement made between an alleged perpetrator of antisocial behaviour and partnering agencies (e.g. ourselves, local police, schools etc). It is most commonly used with young people between the ages of 10 and 18 years old, but can be used for all age groups.

21.19 The flexible nature of ABCs means that they can be used incrementally to tackle issues from minor misdemeanors to more serious problems. Where behaviour is persistent or serious support to address the underlying causes of the behaviour will be offered in parallel to the contract. This may include diversionary activities (such as attendance at a youth project), counseling or support for the family.

21.20 The contract should be drawn up with the perpetrator, taking into account their views. It should identify specific antisocial acts in which the person can be shown to have been involved, and which they agree not to continue. The contract can also include positives, i.e. activities that will help prevent recurrence, such as attending school.

21.21 They usually last for a period of six months, and will be monitored on at least a monthly basis during that time. Where there are breaches the contract may be extended or amended. Breaches will be followed up on appropriately, and where necessary further enforcement action may be taken, including using legal action.

21.22 ABCs can be an effective tool for dealing with antisocial behaviour. If breached, these contracts provide support for further action, for example through the courts. The Council will promote the use of ABCs as an effective early intervention

21.23 Where we use ABCs with children under the age of 18 we will involve parents and guardians as much as possible. We will notify and work with any relevant youth offending team or other agencies. We may consider whether a parenting contract would be more appropriate, particularly for children under the age of ten.

21.24 ABCs can be used by different agencies. Where appropriate we will act as the lead agency for the contract where it is with one of our residents, but we will also support other agencies such as local authorities or youth offending teams using contracts with perpetrators, where our residents are affected.

21.25 Parenting contracts are a two-sided arrangement where both the parent and the agency play a part in improving the child's behaviour. Parenting contracts offer a method for agencies to work with parents on a voluntary basis, in a structured and balanced way.

21.26 They can consist of two elements:

- A parenting programme designed to meet parents' needs to help them address their child or children's misbehaviour. This is not a punishment but a positive way of bolstering parental responsibility and helping parents develop their skills so they can respond more effectively to their children's needs
- A second element specifies ways in which parents are required to exercise control over their children's behaviour to address particular factors associated with their behaviour or

offending. Examples might be escorting their children to and from school every day to ensure attendance, or ensuring that a child is at home during certain hours.

21.27 It is not an offence for parent(s) or carer(s) to refuse to enter into a parenting contract or fail to comply with its terms but both of these actions may be used by agencies to support an application for a parenting order which will make the requirements of the parenting contract compulsory.

22.0 Enforcement action

22.1 The law has created tools that can be used to deal with cases of antisocial behaviour. We will use legal action where necessary, but in general we will try to work with perpetrators and complainants to resolve the situation without resorting to legal action. Early interventions as listed in the section above are our preferred first approach.

22.2 Where these early interventions fail to achieve desired outcomes, or where incidents are of a serious nature, we will apply for the following:

- Civil Injunctions
- Closure Orders
- Criminal Behaviour Orders
- Community Protection Notices
- Absolute Grounds For Possession
- Parenting Orders
- Possession

22.3 We will decide what enforcement action is most appropriate on a case by case basis. We reserve the right to take whatever action we consider to be most appropriate in each circumstance.

22.4 Civil Injunctions are orders obtained from the County Court, prohibiting the person concerned from engaging in the behaviour detailed in the injunction. We will use them to prevent a range of antisocial behaviour relating to housing such as playing loud music at night, barking dogs, verbal abuse and vandalism. An injunction can only be sought against a perpetrator over the age of 18. A Civil Injunction could require some positive requirements, such as the perpetrator should engage with agencies that are able to provide the relative support such as drug and alcohol addiction.

22.5 There are a number of Current Legislative Orders available that can be used against perpetrators that are tenants. They are aimed at stopping the antisocial behaviour rather than punishing the perpetrator. They are targeted directly to the problem, listing specific behaviour that is prohibited or required, and can apply for a limited period or indefinitely as appropriate.

22.6 Where properties are being used illegally (for example drug dealing, running a brothel, handling stolen goods) we may use the following legal remedies:

- a Section 153B injunction instead to prohibit any illegal conduct.
- Closure Order
- Absolute Grounds For Possession

The Court must only be satisfied that the person has used or threatened to use their property for an unlawful purpose.

22.7 Section 153 C refers specifically to an Exclusion Order and/or Power of Arrest. This can be attached to 153 A, 153 B and 153 D of the Act. The Court may decide to attach a

power of arrest to one or more provisions of the Injunction or to exclude the defendant from any premises or area specified within the terms of the Injunction, including his or her own place of residence, where there is either:

- A use or threat of violence or
- a significant risk of harm to any of the classes of person specified under Section 153A of the Housing Act 1996

22.8 Where there isn't a direct link to the housing management function, we may use Section 153 D to obtain an injunction to deal with specific breaches (or anticipated breaches) of clauses in the tenancy agreement. They can only be applied to a tenant, and must relate to a clause in the tenancy agreement. If we proceeded to possession, this type of injunction would cease to be in force at the point of eviction. The Conduct Test for Section 153 D is on the grounds that the tenant is:

- engaging or threatening to engage in conduct that is capable of causing nuisance or annoyance to any person, or
- allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct

22.9 In cases involving the use or threat of violence, we will consider applying for an urgent injunction without giving the individual prior notice. In all other cases Section 153 injunctions require prior notice to the individual involved, and the notice must be personally served on the individual.

22.10 A defendant may ask the court to accept an "undertaking" instead of giving an injunction. In theory this will have the same force as the injunction, but it doesn't establish a "finding of fact" which can make it preferable for the defendant.

22.11 In general breach of a Civil Injunction is considered to be a contempt of court and is punishable by imprisonment and/or a fine. We can also apply for the Civil Injunction to come with a power of arrest or an Exclusion Order (including to their own residence) where there has been use or threatened use of violence, and/or there is a significant risk of harm (including emotional or psychological harm) to a person mentioned in the injunction.

22.12 Where a power of arrest is attached to a Civil Injunction the role of the police in enforcing it is vital. We must ensure that the police are aware of the Injunction and the power of arrest, and that we require their support.

22.13 Civil Injunctions can only be used to control the behaviour of those with the mental capacity to understand what they are doing and how to modify their behaviour.

22.14 Residents can also seek their own Civil injunctions.

22.15 Other organisations can also seek Civil injunctions, including different types of injunction. For example, the Council can serve an injunction under the Local Government Act 1972. Police can serve injunctions to deal with gang related violence, in line with the Criminal Justice and Police Act 2001.

22.16 Current Legislative Orders as listed above and Injunctions are available in County Courts for adults and youth Courts for 10 – 17 year olds. These can be obtained on civil burden of proof (balance of probabilities rather than beyond reasonable doubt).

- 22.17 We will apply for Legislative Orders (listed above) and / or Injunctions, where other remedies have failed. We will only use Legislative Orders (listed above) and / Or Injunctions where it is felt that they are the most effective tool to deal with the behaviour, rather than as a standard procedure. They are most useful when there is clear evidence available, and there are serious issues to tackle such as criminal or sub-criminal behaviour.
- 22.18 Legislative Orders and / or Injunctions can be used to tackle a wide range of antisocial behaviour, tailoring the terms of the order to each specific case. The orders are tenure-neutral and can be used against perpetrators living in any type of housing (not just social housing). This means that should we proceed to eviction of a perpetrator, any Legislative Order and / or Injunction would remain in force.
- 22.19 We will use clauses in Civil Injunctions, that are realistic and achievable, not those that will set the perpetrator up to fail.
- 22.20 Where the defendant is under 18 we will work with the Youth Offending Team, including requesting an assessment of the young person's needs. Where relevant we will apply for an Individual Support Order (ISO) to be attached to the Civil Injunction (only when making a standalone application). ISOs can last up to six months and require a young person to comply with certain requirements designed to tackle the causes of the antisocial behaviour, such as participation in certain activities (up to two days a week). The Youth Offending Team is responsible for co-coordinating delivery of the ISO and also has a role in ensuring that the defendant understands the terms and conditions of the Criminal Behaviour Order / Crime Prevention Injunction and ISO.
- 22.21 Where drugs offences are involved we can apply for a Drug Intervention Order alongside the Civil Injunction to require the root causes of the behaviour to be tackled.
- 22.22 In some situations we may apply for an interim Civil Injunction (where necessary without notice), which has the same prohibitions and penalties for breach as the full order. A without notice interim order must be served on the defendant within seven days, and will only take effect after it has been served.
- 22.23 Where groups of people are engaged in antisocial behaviour, a case needs to be made against each individual against whom an order is sought. However, the cases can be heard together by the court.
- 22.24 Where legal action is already underway against an individual or group of individuals in the county court, where relevant we may apply to add a Closure Order and / or Injunction under the Crime and Disorder Act 1998 as amended. For example, if we are taking possession action against a tenant we might apply for a Civil Injunction to prevent them or a relevant party engaging in antisocial behaviour in the area after their eviction or from returning to their property while possession proceedings are undertaken.
- 22.25 We can also apply for an Absolute Possession Order and / or Injunction or Criminal Behaviour Order on conviction if criminal proceedings are underway. The Absolute Possession Order and / or Injunction on conviction is considered at a civil hearing after the verdict. It is not part of the sentence the offender receives for the criminal offence.
- 22.26 When we obtain a Legislative Order (as listed above) and / or Injunction we will make sure that the defendant fully understands its requirements as soon as possible after the order is given, preferably before they leave the court.

22.27 We will monitor Legislative Orders and / or Injunctions carefully and take swift action to deal with any breaches, in order to ensure they are an effective tool for tackling antisocial behaviour.

22.28 Should the Legislative Order and / or Injunction be breached the Crown Prosecution Service should carry out the prosecution. The maximum penalty on conviction in the magistrates' court is six months in prison or a fine not exceeding £5,000 or both; at the Crown Court the maximum penalty is five years in prison or a fine or both. Community penalties are available but a conditional discharge is not. Breach proceedings for children and young people will be dealt with in the youth court.

22.29 A Civil Injunction can be varied on application to the court, but it can't be discharged without the consent of both parties.

22.30 Parenting orders can be applied to court for where a parenting contract is repeatedly breached, or parents are unwilling to voluntarily agree to the contract and support that is offered. A parenting order can be applied for:

- if we have reason to believe that child or young person is engaged in anti-social behaviour and;
- where that child or young person's behaviour affects our housing management functions

22.31 Parenting orders can be made for children and young people up to 17 years old. They last up to a maximum of 1 year and any course or programme specified in the order can last up to 3 months.

22.32 The courts can also require parents to attend a residential parenting course, provided that it is likely to be more effective than a non-residential course, and that any interference with family life is proportionate (section 18 Anti-social Behaviour Act 2003).

22.33 Breach of a parenting order can be punishable by:

- In the first instance parent(s) or carer(s) will be given a written warning if they fail to comply with the terms of the order.
- If they still fail to comply with the conditions of the order a meeting will be called to review the situation.
- If after these procedures, the parent(s) or carer(s) do not comply with the order and cannot give a genuine reason for doing so, they will be in breach of the order and may be fined up to £1,000.

22.34 Schedule 2 of the Housing Act 1985 includes the following discretionary grounds for possession (Ground 2):

The tenant or a person residing in or visiting the dwelling house:

- Has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- Has been convicted of using the dwelling house or allowing it to be used for immoral or illegal purposes, or an arrestable offence committed in, or in the locality of, the dwelling-houses.

Other discretionary grounds that might be used to tackle antisocial behaviour include Ground 3 relating to tenant neglect of the property.

22.35 Courts must give particular consideration to the actual or likely effect which the antisocial behaviour has had or could have had on others when considering whether it is reasonable to grant a possession order on the grounds of nuisance or annoyance. If it is satisfied that a ground for possession has been proved and that it is reasonable to make an order, it will make an outright or suspended order for possession.

22.36 Section 22 of the Disability Discrimination Act, 1995 (“the DDA”) provides that a landlord may not take proceedings against a tenant on the grounds of any activity by the tenant which is a result of the tenant’s disability, and that to do so would constitute discrimination. If the tenant’s conduct is such that it endangers the health and safety of any person (which may include the disabled person), we can justify taking proceedings against the tenant. We need only demonstrate to the court that the tenant’s disability has been taken into consideration before proceedings are issued. This includes service of any Notices.

23.0 Other powers

23.1 As well as using early interventions and legal action, we will proactively partner with other organisations that have other powers to deal with antisocial behaviour. In particular, we will work closely with local police, environmental health and other housing organisations.

23.2 At an early stage we will work with police to ensure that appropriate warnings are issued to perpetrators of antisocial behaviour. This may include:

- Juvenile reprimands and final warnings
- Police cautions and conditional cautions
- Prostitutes cautions
- Fixed Penalty Notices (FPNs)
- Penalty Notices for Disorder (PNDs)

23.3 Police may also arrest people who engage in disorderly, threatening or insulting behaviour under the Public Order Act 1986, after they have been warned about the behaviour.

23.4 Where antisocial behaviour is criminal and is taken to court, the court may give a prison sentence; apply a fine, a conditional discharge, a suspended prison sentence, a probation order, or a community service order.

23.5 Where there are specific problems around antisocial behaviour associated with a particular locality, we will work proactively with the police and/or local authority to put into place:

- Directions Power
- Community Protection Notice
- Community Protection Order (Public Spaces)
- Community Protection Order (Closure)

23.6 Constables in uniform can also issue a direction to an individual aged 16 years or more to leave a public locality, where they believe the individual’s presence is likely to

contribute to alcohol related crime and disorder. These directions to leave can be used alongside a Community Protection Notice.

23.7 There are specific powers particularly available to the Council to tackle environmental antisocial behaviour e.g.:

- Serving a noise abatement notice, or using powers under the Noise Act 1996
- Establishing Audible Alarm areas
- Seizure of property that is being used to create a nuisance
- Dog control orders
- Litter clearing notices
- Gating orders
- High hedges notices

24.0 Support for victims, witnesses and perpetrators

24.1 Antisocial behaviour can cause significant distress to victims and witnesses. We will adopt a victim harm centered approach and will risk assess all victims to ascertain their level of vulnerability and identify their support needs. The Council will work with local agencies and community groups to help provide appropriate support for victims of antisocial behaviour. We may provide this support from within the group or work with external partners or agencies. We will refer to specialist agencies, where relevant, to provide specialist help and support. We will make counselling services available to those who would find it helpful.

24.2 We will make the reporting process, interviewing, creation of an action plan, risk assessment and evidence collection mechanisms as straightforward as possible to minimise the burden on complainants. Staff dealing with reports initially and on an ongoing basis will be considerate and sensitive to the potential distress of the victims and witnesses.

24.3 We will consider the safety and perception of safety of victims and witnesses, and where appropriate we will work with partners to provide additional safety measures such as regular patrols, visits by officers, provision of personal alarms and CCTV systems. We will liaise with Crime Prevention services where necessary to protect witnesses.

24.4 Where appropriate we will carry out a risk assessment of victim and witness homes and install any necessary alarms, new locks or panic buttons.

24.5 Where possible we will use mentor schemes to put the witness in touch with other residents who might be available to offer support.

24.6 In severe cases, for example where physical violence has been experienced, or there is irresolvable damaging conflict between two parties, we may consider whether a management move would be appropriate.

24.7 The role of witnesses in court proceedings is invaluable as they can provide pertinent evidence about antisocial behaviour that has occurred.

24.8 We will be sensitive when taking witness statements, and ensure that the witness is happy with the statement before it is finalised.

- 24.9 Where attendance at court is required full explanations of the procedures and pre-visits to court will be offered to witnesses in advance and support offered throughout, including escort to court and mentoring. We will liaise with court services to minimise the stresses of a hearing. Guidance about the court process can be found in the document "Supporting victims and witnesses in antisocial behaviour court cases".
- 24.10 Where witnesses have a physical or mental disability we will ensure that appropriate adjustments are made in order for them to participate as fully as possible, including the provision of a support worker during the court session if needed.
- 24.11 We will consider whether perpetrators have any support needs right from the beginning of any case that we are dealing with. Information on support referrals as an early intervention is available above.
- 24.12 Where we are considering proceeding to legal action against perpetrators of antisocial behaviour, we will make sure we are not discriminating against the perpetrator because of a disability that they have, in accordance with the Disability Discrimination Act 1995 and 2005.
- 24.13 We will also consider any additional support needs that they may have at this stage.
- 24.14 If there is any evidence to suggest that the person against whom legal action is being taken may be suffering from drug, alcohol or mental health problems or an autistic spectrum disorder, the necessary support should be provided by social services or other support agencies. Such support should run parallel with the collection of evidence and application for legal action. This ensures that the court can balance the needs of the community with the needs of any alleged perpetrator.
- 24.15 We will ensure that all communication with the perpetrator about any legal action that we are taking is in an appropriate language and format for the perpetrator to understand. Where required we will meet the perpetrator to explain action that is being taken.