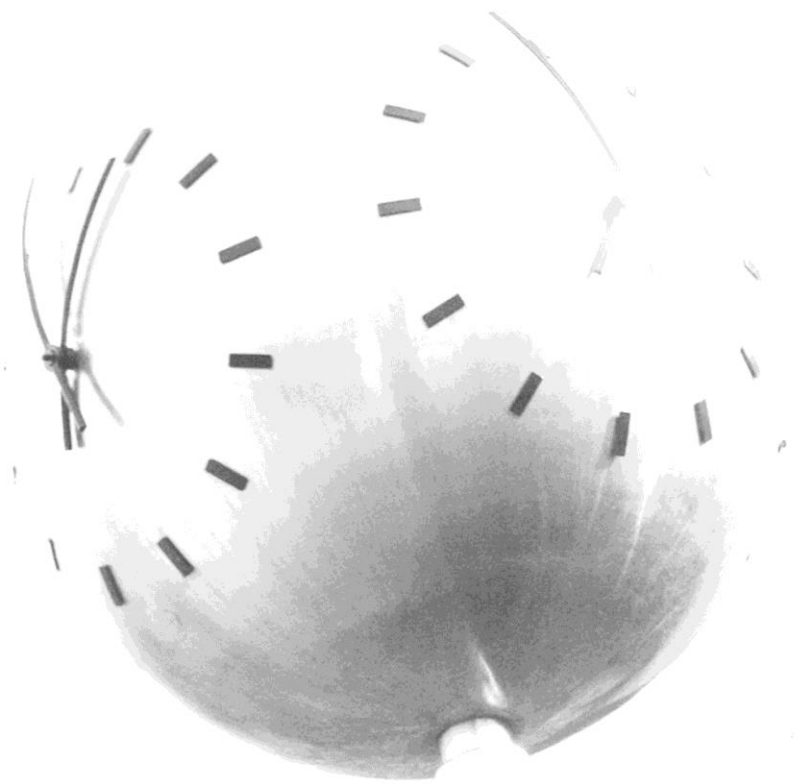


# ASB POLICY

## Basildon Borough Council 2017

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## **1. INTRODUCTION**

Anti-social behaviour (ASB) can have a serious impact on the quality of life of residents and communities. This policy sets out the Council's commitment to effectively deal with all forms of anti-social behaviour in the Basildon Borough including hate crime and domestic abuse. This Policy replaces the previous three separate policies for ASB, Hate Crime and Domestic Abuse.

The Council has a wide range of responsibilities to tackle anti-social behaviour. These arise from three distinct roles which are:

- A Responsible Authority as defined by the Crime and Disorder Act 1998 - the Council must work with the police and other agencies to reduce crime and disorder.
- A social landlord, under the Housing Act 1985 - the Council has a statutory duty to deal with anti-social behaviour affecting the properties it owns and manages.
- A duty to deal with 'Environmental' anti-social behaviour such as noise, litter, bonfires and dumped rubbish. These responsibilities arise from a number of Acts, but in particular the Environmental Protection Act 1990.

The Borough has seen a decrease in the number of reported ASB incidents since the first ASB Policy was published in 2003. However, ASB remains a significant concern for many local residents and the Council dealt with 520 cases of ASB in 2015/16. The Council will continue to work effectively in partnership with other key agencies to prevent the occurrence of ASB wherever possible but where ASB does occur, we are committed to taking positive action to deal with it using the full range of powers available to us.

## **2. EXECUTIVE SUMMARY**

The Council have a statutory duty under the ASB Act 2003 to publish their Anti-social Behaviour Policy. The policy is in place to ensure residents of the Basildon Borough can clearly see the commitment that is made by the Council to tackling anti-social behaviour within the Borough and what happens when anti-social behaviour is reported. It explains the resources available to tackle anti-social behaviour and what action Basildon Council may take. The Council consider all forms of ASB including Hate Crime and Domestic Abuse to be unacceptable and will consistently apply the principles contained in this policy to ensure that our residents' lives are not negatively impacted by ASB. This policy should be read in conjunction with the Council's Safeguarding policy.

### 3. POLICY STATEMENT

The Council is committed to ensuring all residents of the borough enjoy their right to peace, quiet and security in and around their homes and will not tolerate anti-social behaviour in any form.

We will adopt a victim centred approach and take all complaints of anti-social behaviour seriously, carrying out investigations as appropriate. We will work in partnership with other agencies and local communities to reduce anti-social behaviour in the borough.

We will seek to achieve this by:

- Sending out a clear message that we will not tolerate anti-social behaviour
- Promoting good standards of behaviour through education and awareness.
- Encourage all victims/witnesses to promptly report incidents of anti-social behaviour.
- Encourage all victims or witnesses of Hate Crime to report such incidents via the Hate Crime Reporting Centre's (HIRCS) which are available throughout the borough.
- Seeking to intervene at an early stage to prevent problems escalating.
- Ensuring support is offered to victims and/or witnesses throughout the investigation and any subsequent legal proceedings.
- Tackling anti-social behaviour using the full range of tools and powers available to us, from early intervention and support to enforcement.
- Addressing the anti-social behaviour whilst supporting victims and witnesses in their homes where possible rather than move those involved in ongoing investigations (unless exceptional circumstances apply).

### 4. DEFINITIONS

**Anti-social Behaviour is defined as:**

- a. conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- b. conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises, or;
- c. conduct capable of causing housing-related nuisance or annoyance to any person<sup>1</sup>.

Anti-social Behaviour covers the range of behaviour from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home or community.

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<sup>1</sup> ASB, Crime and Policing Act 2014

**Hate Crime is defined as:**

“Any criminal offence committed against a person or property that is motivated by hostility towards someone based on their age, race, religion or belief, gender identity, disability, sexual orientation or subculture.”<sup>2</sup>

**Hate Incident is defined as:**

Any incident, which may or may not be a crime, which the victim or any other person perceives to be motivated by hostility or prejudice towards any aspect of a person’s identity.

**Domestic Abuse is defined as:**

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

**Controlling behaviour is:** a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

**Coercive behaviour is:** an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

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<sup>2</sup> Criminal Justice Act 2003

## **5. CONTEXT**

### **5.1 National**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a more streamlined approach to the tools and powers available for dealing with ASB with the aim of achieving better outcomes for victims.

The key provisions to tackle anti-social behaviour include:

- Simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities.
- Replaced 19 powers to deal with anti-social behaviour with 6 broader powers, intended to streamline procedures to allow for a quicker response.
- Introduced the Community Trigger known as the “ASB Case Review”, to give victims and communities an opportunity to raise their issues formally when they believe their ASB case has not been dealt with effectively.
- The introduction of “Mandatory grounds for possession” for Council tenants if the tenant or a member of their household or visitor has committed a serious criminal offence or breached a civil injunction, Criminal Behaviour Order or Noise Abatement Order. This means the judge must grant the Council an Absolute Possession Order and has no discretion.
- The introduction of Community Protection Notices (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the Community’s quality of life targeting those responsible.
  - Failure to comply with a CPN is an offence, where an individual or organisation fails to comply with the terms of a CPN, a number of options are available for the issuing authority.
  - A Fixed Penalty Notice (FPN) can be issued by a Council Officer, Police Officer, PCSO or, if designated, a Social Landlord.
  - The FPN should be no more than £100.00 and the amount will be reduced if the fine is made within 14 days
  - The Local Authority can designate this power to Social Landlords to enable them to issue

The Office of National Statistics (2015-16) reported a 7% decrease in ASB from the previous year where an estimated 1.8 million incidents of anti-social behaviour were recorded by the police.

In relation to domestic abuse, there are 2 women killed every week in England and Wales by a current or former partner<sup>3</sup> and 1 in 4 women in England and Wales will experience domestic violence in their lifetimes, 8% in any given year<sup>4</sup>. Over 62500 incidents of hate crime were recorded in 2015/16, an increase of 19% when compared to the previous year.<sup>5</sup>

## 5.2 Local Context

In 2015, Essex Police made changes to way in which they responded to anti-social behaviour and they now assess every incident of anti-social behaviour when it is first reported using the THRIVE model. This model assesses the Threat, Harm, Risk, Intervention, Vulnerability and Engagement and is used to determine the appropriate response including whether or Essex Police is best placed to respond or if the matter should be referred to another agency. The change was driven by the need to direct resources to the higher risk cases.

The Council has a dedicated ASB Team which investigates incidents of anti-social behaviour and works with other internal departments such as environmental health and external partners to deal with reported incidents. The ASB team categorise all incidents of ASB and the most frequently investigated categories over the last 3 years are:

- Noise
- Verbal abuse/threatening behaviour/harassment/intimidation
- Drugs/substance misuse/drug dealing

Other categories of anti-social behaviour include:

- Hate related incidents (based on race, sexual orientation, gender, identity, disability, religion, age,)
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Alcohol related
- Domestic abuse
- Physical violence (other than domestic)
- Litter/rubbish/fly-tipping
- Garden nuisance
- Misuse of communal areas/public space or loitering
- Prostitution/sexual acts/kerb crawling

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<sup>3</sup> Office of National Statistics, 2015

<sup>4</sup> Crime Survey of England and Wales, 2013/14

<sup>5</sup> Office of National Statistics, 2015/16

- Criminal behaviour/crime

The Council receives many complaints of minor disputes or disturbances that are uncorroborated and not every allegation reported to us will be accepted as an anti-social behaviour case. Some of these disturbances are considered to be everyday living noises or minor lifestyle differences rather than anti-social behaviour and therefore they may not be investigated as such under the terms of this policy. The Council's action in these cases will be limited to encouraging neighbours to resolve minor disputes among themselves and/or referring them to other agencies if appropriate.

Examples of such behaviour include:

- People mowing their lawns or carrying out other garden maintenance at reasonable times and frequency
- People vacuuming or using other domestic appliances reasonable times and frequency
- People carrying out DIY repairs at reasonable times
- Noise generated by everyday living, i.e. walking across laminate flooring wearing shoes
- Cooking Smells
- Children playing in their homes or in the locality of their home or a designated playing area. Children playing ball games is normally not considered to be anti-social behaviour
- Some parking issues

The Council's Anti-social Behaviour Team adopt a robust approach to dealing with ASB and there has been a steady decrease in reported incidents of anti-social behaviour over recent years with incidents decreasing by 11.5% since 2011-12. The team have also successfully increased their enforcement of cases with 27 cases in 2011-12 compared to 56 cases in 2015-16. These enforcements include injunctions, closure orders and possession orders.

## **6.0 SERVICE STANDARDS**

When a complaint of ASB is made, the ASB Team will record the complaint, assess the type of ASB being complained of and apply one of the following categories:

### **Level 1**

Evidence of danger to the household, at risk of serious assault and/or the household has been subjected to substantial and/or persistent harassment and is at risk of serious mental or physical harm on the grounds of vulnerability.



Victims will be offered an interview/visit within 24 hours where an Anti-social Behaviour Officer will discuss the incident and agree an action plan with the victim. This action plan will explore the options available and will also consider the support requirements for the victim.

## **Level 2**

In all other cases, the victim of anti-social behaviour will be offered an interview/visit within 4 working days. The Neighbourhood Nuisance Officer will discuss the incident and agree an action plan with the victim. This action plan will explore the options available and will consider the support requirements for the victim.

The ASB Team will complete a harm based risk assessment to establish and identify vulnerable complainants. This allows the necessary support measures to be put in place at an early stage

## **7.0 POLICY SUMMARY**

Basildon Council seek to create sustainable neighbourhoods whereby people from different backgrounds and groups can live side by side within a culture of co-operation and respect. We will seek to prevent ASB but were it does occur we will pursue early intervention to prevent the problem escalating.

Basildon Council will issue a tenancy agreement to every new tenant and will impress upon new tenants at sign up their rights and responsibilities and what the implications of causing ASB.

An action plan will be developed in agreement with the complainant to investigate the problem and agree a level of support and contact. The Council will use all the tools available to ensure that victims and witnesses feel safe and secure throughout the case. This may include:

- Carrying out security improvements to their home
- Carrying out a Harm Based Risk Assessment for ASB
- Carrying out a Domestic Abuse Stalking Harassment (DASH) risk assessment for victims of domestic abuse
- Pre-court visits.
- Considering alternative accommodation
- Referrals to other support agencies

Basildon Council will work to prevent homelessness and help residents to remain in their home wherever possible.

Basildon Council will thoroughly investigate all complaints and gather obtain evidence from complainants, other residents and partner agencies including the Police and also

through the use of Noise Monitoring Equipment, CCTV and Professional Witnesses as appropriate.

Basildon Council will consider all the options available when investigating and taking action in a case of ASB and will use the legislative framework to ensure the protection of victims and to stop the incidents repeating. The tools available, some of which are delivered in partnership with other agencies, include:

- Warnings
- Mediation
- Acceptable Behaviour Contracts
- Noise Abatement Notices
- Injunctions
- Criminal Behaviour Orders
- Suspension of Right to Buy Orders (for Basildon Council tenants only)
- Possession Proceedings (for Basildon Council tenants only)
- Closure Orders

Basildon Council recognises that eviction is a useful tool to tackle ASB and will use the new discretionary and absolute grounds for possession when appropriate. However in order to promote social inclusion, prevent homelessness and break the cycle of moving the behaviour elsewhere, eviction to resolve ASB will only be used as a last resort.

Basildon Council will work with other agencies and specialist organisations to ensure that appropriate best practice is employed in the prevention ASB. Where perpetrators of ASB show a willingness to address any underlying issues which cause their behaviour, then the Council will offer assistance and support in this.

Employees will be given appropriate training that covers the impact of, and Basildon Council's response to, ASB. Staff will be trained to recognise ASB and how to challenge and respond to it.

Basildon Council will not tolerate ASB perpetrated towards its employees in any circumstances. Appropriate action will be taken against perpetrator where incidents occur.

Basildon Council will meet any access or cultural needs of any customer accessing the service, for example providing an interpreter or assisting those with low literacy or disabilities.

Basildon Council will map and monitor ASB incidents to identify any trends. Using this information the ASB Team will undertake targeted work to prevent incidents occurring.

Basildon Council will publicise any positive action taken to resolve ASB wherever possible. Working with partners, this may include press releases to local newspapers, radio or television or other publicity materials such as leaflets and posters in the locality of where legal action has been successful.

## **8.0 PARTNERSHIPS**

The Council recognises the importance of partnerships and will play a full part in tackling anti-social behaviour in partnership with other agencies. We will:

- Participate in relevant strategic or preventative initiatives as identified through the Community Safety Partnership.
- Participate in multi-agency working groups dealing with specific anti-social behaviour, hate crime and domestic abuse cases.
- Work with Registered Providers, schools and colleges, and local businesses, providing professional advice and support as required so that organisations can act confidently to prevent or tackle anti-social, Hate Crime or Domestic Abuse making use of their own resources.

## **9.0 SAFEGUARDING**

Where it is believed that any child or vulnerable adult is at risk due to incidents of ASB, the ASB Team will make a referral to the appropriate service and will follow the Council's Safeguarding procedures.

## **10.0 INFORMATION SHARING**

Under the Crime and Disorder Act 1998 information can be shared between agencies to prevent and detect crime and disorder, including ASB and other behaviour affecting the local environment. The Council will share information with partners in line with the Basildon Community Safety Partnership Information Sharing Protocol.

## **11.0 CONFIDENTIALITY**

The Council will provide a confidential service only involve other agencies and share information with the consent of the resident concerned unless child protection issues are suspected. We will comply with the principles of the Data Protection Act 1998 and the Human Rights Act 1998.

## 12.0 CORE PRINCIPLES

Core Principles	Levels of Impact			
	High	Medium	Low	None
Get the basics right	•			
Strong governance and the value for money		•		
Working with others	•			

## 13.0 CORPORATE PROMISES

Corporate Promises	Levels of Impact			
	High	Medium	Low	None
We will support residents to develop stronger communities	X			
We will enhance and build pride in the local environment	X			
We will enable regeneration and secure homes			X	
We will help grow the local economy			X	
We will endeavour to keep communities safe and healthy	X			

## 14.0 OUTCOMES AND PRIORITIES

**Outcome: Reduce Anti-social Behaviour across the borough**

Priority - To ensure local residents feel safe within their communities

## 15.0 LINKS TO OTHER CORPORATE POLICIES OR PARTNER DOCUMENTS

The Council does not work in isolation and this policy has been written to take account of obligations imposed by legislation, in particular:

- Housing Acts 1985 and 1996
- Crime and Disorder Act 1998
- Housing Act 2004
- Equality Act 2010
- Environmental Protection Act 1990
- ASB, Crime and Policing Act 2014

and other Council policies and strategies

- Community Safety Partnership Plan
- Tenancy Strategy
- Tenancy Policy
- Housing Strategy
- Strengthening Communities Policy
- Homelessness Prevention Strategy
- Allocations Policy
- Safeguarding Policy
- Regulatory Services Enforcement Policy.
- Local Plan

## **16.0 MONITORING AND REVIEW**

The policy will be reviewed annually and any enquiries relating to the policy can be directed to the ASB Manager.

Basildon Council will set annual targets for key ASB performance indicators which are challenging and these will be monitored via the Housing and Community Management Team, Tenant and Leaseholder Panel, Tenants Scrutiny Panel and other committees as appropriate.

Performance information relating to the use of legal actions and satisfaction levels and will be publicised on the Council's website and other mediums. Indicators that will be monitored include but are not limited to:

- Number of new cases
- Percentage of cases successfully resolved.
- Satisfaction with the way the case was handled
- Satisfaction with the outcome of the case
- The use of legal action to resolve ASB cases.

## Appendix A – Contacts

<b>Contacts</b>	
Executive lead	Commissioning Director for People and Place
Designated Safeguarding Lead Officer - Children and Adults	Community Safety Manager & Designated officer responsible for safeguarding children and adults. Tel: 207808 or 206833 (Mobile - 07951 300536)
<b>Safeguarding themes</b>	
Lead Officer for Prevent	Community Safety Manager & Designated officer responsible for safeguarding. 01268 20 7808 or 07951 300 536
Domestic Abuse	Housing Choices Manager 01268 20 6674
E-Safety	Manager of Information and Communication Technology 01268 207785
Honour Based Abuse (HBA), including Forced Marriage and Female Genital Mutilation (FGM)	Inclusion and Diversity Manager 01268 20 7955
Modern Slavery, including Human Trafficking	Community Safety Manager and Designated Lead for Safeguarding 01268 20 7808
Prevent: The government's counter-terrorism strategy	Community Safety Manager and Designated Lead for Safeguarding 01268 20 7808
Homelessness Team	9-5.15pm – 01268 533333
Anti-Social Behaviour Team	9-5.15pm – 01268 533333