



# Anti-social behaviour policy

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## Glossary

<b>Anti-social Behaviour</b>	<p>Colchester Borough Homes uses the following definition of Anti-social Behaviour based on the ASB, Crime and Policing Act 2014</p> <ul style="list-style-type: none"> <li>a. Conduct that has caused, or likely to cause harassment, alarm or distress to any person,</li> <li>b. Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or</li> <li>c. Conduct capable of causing housing related nuisance or annoyance to any person.</li> </ul>
<b>Absolute Grounds for Possession or Mandatory Possession</b>	A power which offers protection and faster relief to victims by quickly evicting a tenant where they have been convicted of a serious offence or have breached certain ASB interventions.
<b>ASB</b>	Anti-social Behaviour
<b>Community Protection Notice (CPN)</b>	Issued to tackle ASB by person over 16 whose behaviour has a detrimental effect of a continuous or persistent nature, and the behaviour is unreasonable.
<b>Acceptable behaviour contract (ABC)</b>	ABC is a contract written, voluntary agreement between a person who has been involved in anti-social behaviour and one or more local agencies whose role it is to prevent such behaviour.
<b>Closure Order</b>	A court order allowing the closure of premises on the grounds of ASB connected with the premises for a period not exceeding 6 months.
<b>Community Day of Action</b>	Statutory and voluntary agencies working together across a community to address local issues
<b>Crucial Crew</b>	2 weeks of Educational crime prevention workshops. Emergency service agencies working with year 6 pupils to promote positive behaviour.
<b>Colchester Housing Intervention Project (CHIP)/ Family Solutions</b>	Supports troubled families where the family situation is complex and chaotic and where there may be many problems which may lead to negative outcomes such as children in care, family evictions or family members in prison. CBH fund a support workers post within CHIP.
<b>Fixed Penalty Notice (FPN)</b>	A notice that can be given for minor breaches of ASB, they also incur a fine e.g. littering and dog fouling.

<b>Injunction</b>	Court order to stop certain behaviours or to deny access to certain areas. Can be granted against person 10 years old or older.
<b>Make a Difference Day</b>	Working in all areas across the borough where CBH has tenancies, managing and maintaining our neighbourhoods with other agencies, and actively encouraging local residents to be involved in these events.
<b>MARAT</b>	Multi Agency Risk Assessment team
<b>NSP/NPP</b>	Notice to seek possession of a property for breach(es) of tenancy conditions
<b>Parenting contract</b>	A written contract. Voluntary agreement between a parent who's child has been involved in anti-social behaviour and one or more local agencies whose role it is to prevent such behaviour
<b>Public Spaces protection Order (PSPO)</b>	An order designed to protect public spaces from persistent antisocial individuals or groups.
<b>TUTIS</b>	Central database for collection of data on domestic abuse within Essex for Housing providers

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## 1. Introduction & purpose

At Colchester Borough Homes (CBH) we have developed a robust Anti-social Behaviour (ASB) Policy, which follows best practice and the latest government guidance.

We deliver the anti-social behaviour service on behalf of Colchester Borough Council and it applies to all households whether in private or social dwellings.

This policy sets out our approach to dealing with ASB and the principles that shape it. It also provides a context for our partnership work with Colchester Safer Partnership.

There are many statutory duties that the partnership is required to undertake which will have an influence on issues of ASB. Statutes directly relevant to our work on ASB include the Anti-social Behaviour Crime and Policing Act 2014<sup>1</sup>, Human Rights Act, the Children's Act and Equalities Act. Anti-social Behaviour, Crime and Policing Act 2014.

We have signed up to the Government's Respect Charter<sup>2</sup>. Its aim is to ensure that central government, local agencies, local communities and citizens work together to tackle ASB more effectively. The Charter sets out seven core commitments, as detailed in Appendix 1.

## 2. What is anti-social behaviour?

We use the following definition of anti-social behaviour based on the definitions provided in the ASB Crime and Policing Act 2014.

- (a) Conduct that has caused, or 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 of residential premises, or
- (c) Conduct capable of causing housing related nuisance or annoyance to any person.

There are many types of behaviour which are considered as ASB and some are listed below, although this is not an exhaustive list:

- Hate Crime – racial harassment, minority group harassment (e.g. harassment owing to a person's sexual orientation, mental health, disability, religion or belief).
- Abusive and threatening language and behaviour

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<sup>1</sup> ASB, Crime and Policing Act 2014 (<https://www.gov.uk/government/collections/anti-social-behaviour-crime-and-police-bill>)

<sup>2</sup> <http://www.cih.org/respectcharter>

- Violence against people or property
- Dealing or supplying of drugs or use of premises for other unlawful purposes
- Domestic Abuse
- Alcohol or substance abuse
- Animal related problems (e.g. dog dangerously out of control)
- Graffiti
- Loud music.

### **3. Policy statement**

We recognise the importance of addressing and dealing with anti-social behaviour (ASB). We are committed to making our communities safer places to live, free from serious nuisance and anti-social behaviour and to ensuring it does not have a detrimental effect on quality of life. We remain focused on providing an excellent level of housing management that allows residents to enjoy their lives without negatively impacting on others or being affected themselves by their neighbours.

We want to work closely with residents to create communities where people want to live.

Community safety and tackling ASB are key priorities for us at Colchester Borough Homes and Colchester Borough Council and are key objectives within the Council's strategic plan, Colchester Borough Homes Delivery Plans and Community Safety Service Plans.

We aim to:

- Take firm action against any person found responsible for ASB
- Use a wide range of preventative and diversionary activities to help tackle incidents of ASB using the provisions contained within the ASB Crime & Policing Act 2014
- Share all relevant information on ASB with local partners
- Work within the Data Protection Act and confidentiality requirement
- Establish monitoring, reporting systems and processes
- Complete a vulnerability matrix for victims and witnesses of ASB to identify support needs and, where appropriate, provide support from the CBH Tenancy Support Team and refer and involve other support agencies where their expertise is identified and required.
- Promote our policy, raise awareness and publicise successful cases
- Provide clear information to witnesses, victims, perpetrators and alleged perpetrators.

## **4. Our approach to anti-social behaviour**

We are committed to promoting behavioural change. Best practice has shown that the most effective way of dealing with ASB is by adopting a balanced approach of early intervention and mixing the three interventions of:

1. Prevention
2. Education
3. Enforcement

Concentration on only one can result in short term, quick fix solutions which will not achieve the lasting improvement in behaviour and local quality of life, which is being sought. Early intervention is also more cost effective and results in shorter periods of distress for victims.

These interventions will not be the sole responsibility of Colchester Borough Homes and many effective remedies are provided through partnership working.

### **4.1 Prevention**

- Acceptable behaviour contracts
- Good neighbour agreements
- Parenting contracts
- Mediation
- Community Days of Action
- Make a Difference Days
- Diversionary schemes for young people.

### **4.2 Education**

- Crucial Crew
- Working with excluded children
- Drug and alcohol education
- Provide funding to agencies whose expertise is to educate and empower young people e.g. Prison Me No Way, Firebreak
- Advising and empowering communities to act for themselves
- Colchester housing intervention project.

### **4.3 Enforcement**

- Civil Injunctions
- NSPs/NPPs
- Community Protection warnings and notices
- Mandatory possession
- Exclusion from home in extreme cases of violence or fear of harm
- Closure notice / Closure Order
- Eviction.

When dealing with cases of ASB, the needs of the wider community will always be of paramount concern. When we have been unable to resolve

incidents with less formal responses or these actions would be inappropriate we will seek to resolve the problem by taking enforcement action. Where the urgent protection of the complainant or other member of the public is required, we will consider legal action as the first option.

Consideration will always be given to issues such as disability, mental health problems or drug and alcohol abuse on the part of the alleged perpetrators. Where these matters are identified, the intervention and support of relevant partner agencies will be sought.

The need to contribute to the active rehabilitation of those convicted of ASB offences to prevent recurrence is also recognised, and again, we will support and cooperate with appropriate partner agencies to maximise the potential to try and change behaviours..

## **5. Anti-social behaviour complaints**

Complaints may be made verbally, in writing or via a third party (e.g. elected representatives or partnership agencies). All complaints will be acknowledged either by a telephone call, personal visit or in writing. Colchester Borough Homes operate a classification system and incidents of ASB fall into four categories, A - D. Incidents of a serious nature fall into category A and the least serious fall into category D.

Appendix 2 tables the classification of complaint and the response timescale. Complaints which involve criminality or the fear of violence, should be made initially to the Police on 999 (emergency calls) or 101.

Following a complaint, an Anti-social Behaviour Officer or Community Housing Officer (CHO) will interview the complainant and obtain full details and take a statement if required. If the complaint is one that is category A, B or C or that it affects the wider community, the complaint will be dealt with by an ASB officer who can implement the appropriate ASB tools and intervention provided by the current legislation and guidance. Complaints falling into category D are primarily dealt with by CHOs but can be referred to an ASB officer if enforcement is necessary.

## **6. Complainant and witness support**

Complainants and witnesses will be kept informed at all stages and advice and reassurance offered whenever possible. When a complainant or witness is initially interviewed an action plan is agreed and a vulnerability matrix completed to identify any support needs. Witnesses may be required to make statements and attend court. In such cases enhanced witness support will be offered from within our tenancy support team.

Working in partnership with Police, Outreach workers, Support Officers, Community Housing Officers and other professionals who work within the community can be of great benefit in providing a referral network for both

complainant and/or perpetrator. It can be reassuring for complainants and witnesses and provide further additional support.

We will take a proactive and reactive approach when managing ASB with an emphasis on intelligence sharing with key partners when tackling ASB that occurs in public places and affects a wider sector of the community or communities.

Witnesses will be provided with all necessary information and kept up to date with progress of the case, including any court hearings and decisions. In the event of the need to attend Court, the process and layout of the Court will be explained to them with an option to visit the Court in advance of the hearing. When the Court makes a decision, witnesses will be informed expeditiously and provided, where necessary with a copy of the relevant paperwork e.g. injunction.

Part 1 of the ASB, Crime and Policing Act introduced Community Triggers (ASB Review Cases)<sup>3</sup> – this gives victims and communities the right to request a review of their case.

## **7. RESPECT Charter**

Colchester Borough Homes supports the Government's efforts to tackle anti-social behaviour and has signed up to the RESPECT Charter. The cross-government Respect Action Plan sets out a framework of powers and approaches to promote respect positively, bear down uncompromisingly on anti-social behaviour; tackle its causes; and offer leadership and support to local people and services.

## **8. Partnership working**

We are a member of Colchester Safer Partnership, Domestic Abuse working partnerships MARAC and TUTIS and Essex Police Accreditation Scheme. We work closely with partner agencies who share the commitment to taking positive action to deal with all forms of ASB.

## **9. Consultation**

This policy has been formulated based on the work carried out for the ASB strategy and the ASB service standards. In developing the policy we consulted with tenants through Coffee and Conversation Meetings, Colchester Borough Council, Police and stakeholders.

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<sup>3</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/201073/Fact\\_sheet\\_Community\\_Empowerment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/201073/Fact_sheet_Community_Empowerment.pdf)

## **10. References**

Crime and Disorder Act 1998

Human Rights Act 1998

Children's Act 1989

Freedom of information Act 2005

Homelessness Act 2002

Environmental Protection Act 1990

Data Protection Act 1998

Crime and Disorder Act 1998

Local Government Act 1997

Public Order Act 1986

Protection from Harassment Act 1997

Section 4A Public Order Act 1986

Telecommunications Act 1984

Mental Health Act 2005

Malicious Communications Act 2007

Equalities Act 2010

## **11. Related Documents**

This policy should be read in conjunction with the following documents:

- Colchester Borough Council's Terms and Conditions of Tenancy
- CBH Safeguarding Policy
- CBH Complaints policy.

## **Appendix 1 - Classifying neighbour nuisance/anti-social behaviour**

Our policy on anti-social behaviour classifies neighbour nuisance/anti-social behaviour into one of four broad categories:

### **Category A – extreme anti-social behaviour**

This category will include cases such as drug dealing, assault and violence. Hate Crime and Domestic Abuse would also fall within this category, but these should be dealt with in accordance with the procedure on hate crime and domestic abuse.

### **Category B – serious anti-social behaviour**

This will include cases of threatening or abusive behaviour, frequent serious disturbances or vandalism and damage to property.

### **Category C – nuisance cases**

This will include cases of excessive noise; family disputes affecting neighbours', control of pets, and behaviour of visitors or children (unless this is extreme or serious and falls within categories A or B) and infrequent disturbance.

### **Category D – other breaches of tenancy**

This category will include for example complaints about condition of gardens, parking, vehicles and litter.

The action taken by officers to deal with nuisance complaints and the timescale applied to the investigation will depend on the type and severity of behaviour complained of.

### **Responses to complaints**

A response must be given to all verbal or written complaints. The response will be one of the following: -

**Category A complaints** – we aim to contact the complainant immediately and arrange to interview, preferably on the day the complaint is received and certainly within two working days.

**Category B complaints** – we aim to interview complainant within two working days

**Category C complaints** – we aim to interview the complainant within five working days

**Category D complaints** – if necessary, we aim to interview the complainant within ten working days. It may not always be necessary to interview the

complainant but the complaint should be acknowledged in writing within ten working days and the complainant advised of any action plan agreed.

### Document control sheet

<b>Title:</b>	Anti-social Behaviour Policy		
<b>Electronic File Name &amp; location:</b>	T:\Common Files\Policies, strategies and corporate documents\Word versions of current corporate documents\CBH Anti-social behaviour policy - May 2017.docx		
<b>Consultation with stakeholders:</b>	<ul style="list-style-type: none"> <li>• Coffee and Conversation Meeting – 5 tenants who have been victims of ASB Operations Committee</li> <li>• Colchester Safer Partnership Stakeholders April 2017</li> </ul>		
<b>Approved:</b>	Operations Committee May 2017		
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<b>Circulation method:</b>	CBH Website, intranet		
<b>Next Review date:</b>	May 2019		
<b>Equality Impact Assessment:</b>	June 2015		

### Document amendment history

Version	Type	Date	Notes
1.0	New	Sep 2012	New policy approved by CBH Board
2.0	Major revision	July 2015	Removal of Appendix 1 (detailing RESPECT Charter), addition of references/footnotes, correction of some typographical errors
2.1	Minor revision	August 2015	Formatting changes
2.2			