



Antisocial Behaviour Policy

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Glossary

Antisocial Behaviour	Colchester Borough Homes uses the following definition of Antisocial Behaviour based on the ASB, Crime and Policing Act 2014 <ul style="list-style-type: none"> 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 persons occupation of residential premises, or c. Conduct capable of causing housing related nuisance or annoyance to any person.
Absolute Grounds for Possession or Mandatory Possession	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.
ASB	Antisocial Behaviour
Community Protection Notice (CPN)	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.
Acceptable Behaviour Contract (ABC)	ABC is a contract written, voluntary agreement between a person who has been involved in antisocial behaviour and one or more local agencies whose role it is to prevent such behaviour.
Closure Order	A court order allowing the closure of premises on the grounds of ASB connected with the premises for a period not exceeding 6 months.
Community Day of Action	Statutory and voluntary agencies working together across a community to address local issues.
Colchester Housing Intervention Project (CHIP)/Family Solutions	Supports troubles 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 worker post within CHIP
Open Road	Supports those with complex needs. CBH fund a support worker post within Open Road.
Fixed Penalty Notice (FPN)	A notice that can be given for minor breaches of ASB, they also incur a fine e.g. littering and dog fouling.
Injunction	Court order to stop certain behaviours or to deny access to certain areas. Can be granted against person 10 years old or older.
Make a Difference Day	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
MARAT	Multi Agency Risk Assessment Team
NSP/NPP	Notice to seek possession of a property for breach(es) of tenancy conditions.

Parenting Contract	A written contract. Voluntary agreement between a parent whose child has been involved in antisocial behaviour and one or more local agencies whose role it is to prevent such behaviour.
Public Spaces Protection Order (PSPO)	An order designed to protect public spaces from persistent antisocial individuals or groups.

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1 Introduction & purpose

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

We deliver the antisocial 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 Antisocial Behaviour Crime and Policing Act 2014, Human Rights Act, the Children's Act and Equality Act 2010.

We have signed up to the Government's Respect Charter*. 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 antisocial behaviour?

We use the following definition of antisocial behaviour based on the definitions provided in the ASB Crime and Policing Act 2014*.

- Conduct that has caused, or likely to cause harassment, alarm or distress to any person,
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- 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.
- 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

*ASB, Crime and Policing Act 2014

<https://www.gov.uk/government/collections/antisocial-behaviour-crime-and-police-bill>

*Respect Charter - <http://www.cih.org/respectcharter>

3 Policy statement

We recognise the importance of addressing and dealing with antisocial behaviour (ASB). We are committed to making our communities safer places to live, free from serious nuisance and antisocial 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
- Record Rationale in accordance with the Public Sector Equality Duty (s.149 of the Equality Act 2010)
- Promote our policy, raise awareness and publicise successful cases
- Provide clear information to witnesses, victims, perpetrators and alleged perpetrators.
- Work with or signpost perpetrators to appropriate agencies in order to change their behaviour and minimise reoffending/enforcement action

4 Our approach to antisocial 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

4.1 Prevention

- Acceptable behaviour contracts
- Good neighbour agreements
- Parenting contracts
- Mediation
- Make a Difference Days

- Diversionary schemes for young people.

4.2 Education

- Working with excluded children
- Drug and alcohol education
- Provide funding to agencies whose expertise is to educate and empower young people
- Advising and empowering communities to act for themselves
- Working with Support Agencies

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 Antisocial behaviour complaints

Complaints may be made verbally, in writing or via a third party (e.g. elected representatives or partnership agencies).

Complaints which involve criminality or the fear of violence, should be made initially to the Police on 999 (emergency calls) or 101.

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

6 RESPECT Charter

Colchester Borough Homes supports the Government's efforts to tackle antisocial 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 antisocial behaviour; tackle its causes; and offer leadership and support to local people and services. Please see Appendix 2 for further details

7 Partnership working

We are a member of Colchester Safer Partnership, Domestic Abuse working partnerships MARAC 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.

8 Consultation

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/201073/Fact_sheet_Community_Empowerment.pdf

9 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
General Data Protection Regulations 2018
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/Public Sector Equality Duty 2010

10 Related documents

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

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

Appendix 1 - Classifying neighbour nuisance/antisocial behaviour

Our policy on antisocial behaviour classifies neighbour nuisance/antisocial behaviour into one of four broad categories:

Category A – extreme antisocial 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 antisocial 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.

Appendix 2 - Respect Charter:

7 Core Commitments:

1. We demonstrate leadership and strategic commitment
2. We provide an accessible and accountable service
3. We take swift action to protect communities
4. We adopt a supportive approach to working with victims and witnesses
5. We encourage individual and community responsibility
6. We have a clear focus on prevention and early intervention
7. We ensure that a value for money approach is embedded in our service

Document control sheet

Title	CBH Antisocial Behaviour Policy - January 2020					
File location	https://colchbh.sharepoint.com/sites/fnc/corpdoc/PolDevLib/CBH Antisocial Behaviour Policy - December 2019.docx					
Consultation	<p>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, Colchester Borough Council, Police and stakeholders.</p> <ul style="list-style-type: none"> • Coffee and Conversation meeting – 5 tenants who have been victims of ASB • Operations Committee • Colchester Safer Partnership Stakeholders April 2017 <p>Emailed to Residents Panel for consultation Dec 2019 and their comments incorporated into the revision</p>					
Approved	CMT 23/01/2020					
Next review	01/01/2023					
Circulation method	Website, SharePoint					
Equality Impact Assessment	Required	Yes	Latest	01/05/2015	Review due	[EqIA Review Due (Full)]

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	Minor revision	May 2017	Minor amends
2.3	Minor revision	Dec 2019	Procedures removed, and extinct databases removed