

Anti-social Behaviour Policy

Contents

| | |
|---|------|
| 1. Statement of Intent | Pg 2 |
| 2. Introduction | Pg 2 |
| 3. Scope and Purpose | Pg 3 |
| 4. Meaning of Anti-Social Behaviour | Pg 4 |
| 5. The Council's Responsibilities | Pg 5 |
| 6. The Council's Pledge and Service Standards | Pg 6 |
| 7. Support for Victims of Anti-Social Behaviour | Pg 7 |
| 8. Information Sharing | Pg 8 |
| 9. Discretion | Pg 8 |
| 10. Associated Legislation | Pg 8 |

1. Statement of Intent

People who live, work and visit Sunderland are entitled to a safe and well managed environment. Sunderland City Council is committed to improving community safety by reducing anti-social behaviour (ASB) and using all the available tools and powers to achieve this.

Working with our partner agencies and our local communities we will take a stand against anti-social behaviour, to move away from a situation where people tolerate problems, to one where everyone works together to tackle those problems and improve their quality of life.

We will seek to tackle anti-social behaviour at the earliest opportunity through a combination of prevention, enforcement, reassurance, support & resettlement activities.

2. Introduction

The Council's ASB Policy requires tenants and residents of the city, their families and any other occupants and visitors of their home not to cause nuisance and annoyance, and/or harassment, alarm and distress to others. It also seeks to protect the public, visitors to the city and people who work and study here from anti-social behaviour.

In response to the Anti-Social Behaviour, Crime and Policing Act 2014 the Council has fully reviewed its ASB Policy and Procedures in relation to victims, offenders and locations, information sharing and the graded response system. The policy is summarised below:

2.1 Victims

We take a victim centred approach to ASB. Our approach to dealing with and investigating ASB has a focus on victims and provides support for vulnerable victims. Our approach will prioritise the victim and they will be at the centre of any investigation.

2.2 Perpetrators

Our approach in relation to tackling perpetrators of ASB will be to offer them an opportunity to stop their behaviour using early warnings and information about consequences if they continue. Enforcement action will be taken if the actions of a perpetrator continue, escalate or where the seriousness of the behaviour warrants immediate action

2.3 Information sharing and partnership

Multi-agency information sharing will continue to inform case investigation and to ensure vulnerable victims are identified and supported appropriately. Information sharing is also in place to make sure that there is no duplication where the new powers are available to several different agencies.

2.4 Graded Response and Early Intervention

Our graded response escalation process uses a series of proportionate warnings and acceptable behaviour agreements to target repeat offenders by intervening at the earliest opportunity. This

graded response is relevant, proportionate and effective and where necessary engages all relevant partners.

3. Scope and purpose

This document tells you about Sunderland City Council's ASB responsibilities and what we do to tackle it across the Housing Service and tenancies we manage.

3.1 This policy:

- defines what we mean by 'anti-social behaviour'
- sets out our objectives for dealing with anti-social behaviour
- states what we want our services to deliver for people experiencing ASB
- details the kind of service level and quality we aim to provide
- explains the broad approach we have in place in order to support and advance our objectives.

3.2 This policy sets out our commitment to meeting the Regulator of Social Housing's Neighbourhood and Community Standard, which states: 'Registered providers, having taken account of their presence and impact within the areas where they own properties, shall:

- Identify and publish the roles they are able to play within the areas where they have properties;
- Cooperate with local partnership arrangements and strategic housing functions of local authorities, where they are able to assist them in achieving their objectives.
- Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle antisocial behaviour (ASB) in areas where they own properties.
- In their work to prevent and address ASB, registered providers shall demonstrate:
- Their 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 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 legal powers available;
- All tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with us, and are appropriately signposted where it does not;
- Provision of support to victims and witnesses.'

3.3 'Housing related' means that it directly, or indirectly, relates to our housing management function. In most cases, this policy will apply to ASB complaints in relation to our tenants, and anyone else either living in, or visiting, one of our properties.

However, in serious cases, we may take action against someone who is not one of our tenants, if their behaviour is capable of causing housing related nuisance and annoyance.

Domestic Abuse is covered by a separate policy.

4. Meaning of anti-social behaviour

Anti-social behaviours are actions that harm or lack consideration for the wellbeing of others. Anti-social behaviour may or may not amount to a criminal act. What is important in defining anti-social behaviour is the effect and impact such behaviour has on others.

4.1 For ASB in a housing context, a 'nuisance and annoyance' test applies i.e. where the conduct can cause nuisance or annoyance to a person in relation to that person's occupation of residential premises, or the conduct is capable of causing housing related nuisance or annoyance to any person

4.2 In relation to the Anti-Social Behaviour Crime and Policing Act 2014 anti-social behaviour means:

- Conduct that has caused, or is 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, (this applies where an injunction is applied for by a housing provider, local authority or chief officer of police);
- Conduct capable of causing housing related nuisance or annoyance to any person (housing related means directly or indirectly relating to the housing management function of a housing provider or a local authority).

4.3 Examples of anti-social behaviour

Anti-social behaviour may include (but is not limited to):

Noise:

- loud televisions and music
- persistent, unnecessary or excessive noise
- shouting or yelling
- persistent alarms
- excessively loud or frequent parties
- dogs persistently barking
- amplified noise from street entertainers

Intimidation, harassment and violence:

- verbal or written abuse
- threats of violence
- domestic abuse
- assault
- damage to property
- keeping and failing to control an aggressive dog

- Using or allowing the premises to be used for illegal or immoral activity such as prostitution, handling or storing drugs and handling or storing stolen goods.

Environmental:

- Littering
- Domestic Waste Fly tipping
- Dog Fouling
- Commercial Waste Fly tipping
- Dog Prohibited Zones
- Vehicles on sale on highways
- Illegal Deposits of Waste
- Waste and litter on land
- Illegal Transfer of Waste
- Commercial Litter
- Illegal Transport of Waste
- Fly posting
- Graffiti

Hate behaviour directed at a person's:

- race or nationality;
- gender;
- age
- gender reassignment
- marriage or civil partnership
- sexual orientation;
- disability; or
- faith

4.4 What is not anti-social behaviour

There are some types of behaviour that are not classed as ASB and will not be investigated by the Council. Examples include:

- Children playing in the street or communal areas unless the activity is not reasonable
- Young people gathering socially unless they are being intimidating
- Being unable to park outside your own home
- DIY and car repairs unless they are taking place late at night or are excessively noisy
- Civil disputes between neighbours e.g. shared driveways

5. The Council's responsibilities

The Council has a wide range of responsibilities to tackle ASB. These arise from distinct roles which are:

5.1. Our role as a responsible authority of the Safer Sunderland Partnership (SSP)

Under the Crime and Disorder Act 1998, the Council has a legal duty to work in partnership, carry out an annual strategic assessment and implement a partnership plan to tackle crime, disorder, substance misuse and re-offending.

In Sunderland the Community Safety Partnership is known as Safer Sunderland Partnership. As a responsible authority, the Council is also required, under section 17 of the Crime and Disorder Act 1998, to exercise its functions with due regard, to the likely effect on, and the need to do all that they reasonably can to prevent, crime, disorder, substance misuse, and anti-social behaviour (including behaviour adversely affecting the environment), in their area. This was extended in 2010 to include reducing re-offending

5.2 Our environmental protection role

The Council has a range of responsibilities to deal with 'environmental' ASB including noise, graffiti, litter, dumped rubbish and abandoned cars.

These responsibilities arise from several Acts and local byelaws, but in particular from the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environmental Act 2005.

5.3 Support and Diversion

Making sure that information is shared between agencies to ensure that support and diversionary activity is available to minimise ASB and reduce re-offending.

While these are distinct roles, there are very strong links between them and close working arrangements are in place between the relevant teams that deliver the services.

5.4 As a Landlord

Under s218A(2) of the Housing Act 1996 (as amended by s12 Anti Social Behaviour Act 2003) we must prepare (and keep under review)

- (a) a policy in relation to anti-social behaviour;
- (b) procedures for dealing with occurrences of anti-social behaviour.

6. The Council's Pledge and Service Standards

No one should have to put up with anti-social behaviour, so we will:

- make people aware of what anti-social behaviour is;
- publicise our services to combat anti-social behaviour including the Community Trigger;
- encourage people to report anti-social behaviour and make it possible for them to do this using a range of reporting methods;
- ensure reports are dealt with as quickly as possible by the relevant agency;
- support victims of ASB throughout the case to the extent the seriousness of the case requires.

6.1 Reports of anti-social behaviour will be treated seriously and dealt with professionally, so we will:

- register each case we take on;
- appoint a lead officer to take on the case;
- investigate the complaint,
- quickly refer cases to other agencies (including the Police) as necessary;
- treat all reports as confidential, sharing information only with other organisations that can help with the problem and observing data protection laws and information sharing agreements;
- continue to treat any case referred as a 'live' case until, in the opinion of the lead officer or lead officer's manager, the case can be closed;
- explain our reasons should we choose to take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this;
- respond promptly to complaints about the service and advise anyone not satisfied with the way their case was handled how to make a formal complaint; and
- Assess the seriousness of anti-social behaviour reported to us and act according to our assessment and triage process. Each case will be dealt with on its own merits and all cases will receive an initial response/ acknowledgement within 2 working days.

6.2 Anti-social behaviour will be dealt with consistently and proportionately, so we will:

- take any necessary early action to protect people and property in cases of serious anti-social behaviour where appropriate evidence is available;
- investigate the circumstances and seek to understand all the facts of any matter reported to us;
- seek always to resolve cases through the most appropriate intervention taking formal action when the ASB is serious or persistent or when it threatens people's safety or health;
- act to ensure all cases are handled, according to our best professional judgment;
- consider when a victim or a perpetrator is a vulnerable person and make appropriate referrals if deemed necessary

6.3 We will provide a high-quality service which meets people's identified needs, so we will:

- ensure that staff dealing with ASB are appropriately trained;
- ensure that staff dealing with ASB understand and follow agreed policies and procedures;

6.4 We will work with partners to deliver an effective, value for money ASB service, so we will:

- participate in relevant strategic or preventative initiatives;
- participate in permanent or ad-hoc multi-agency workgroups dealing with specific ASB issues;
- work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB making use of their own resources;
- review this policy on regular basis to reflect legislative changes and lessons learnt

7. Support for victims of anti-social behaviour

Across Sunderland a consistent approach will be applied to support victims of ASB to provide advice, support and practical help. All victims will be assessed using a risk assessment matrix to determine their level of vulnerability/serious risk of harm.

7.1 We will ensure:

- the victim is heard, and their vulnerability is assessed appropriately,
- reported incidents are cross referenced and shared between agencies
- For cases of high risk and complex victim vulnerability a multi-agency action plan focussing on the safety of the victim as well as action to tackle the perpetrator is agreed.

8. Information Sharing

Where appropriate, we will share information with the Police and other key agencies under joint information sharing agreements so that all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998 and subsequent legislation.

We will also work to ensure that residents are encouraged and are able to report incidents confident in the knowledge that they will be recorded and investigated where appropriate.

The Council will work within the provisions of General Data Protection Regulations 2018 which provide a background for the sharing of information and the need for confidentiality and privacy.

9. Discretion

This policy commits us to dealing with ASB in a way that will always be reasonable and proportionate and, in all important respects, consistent across cases of a similar nature.

However, our services are constantly evolving and each ASB case we deal with is likely to be unique in some or other aspects. This means that we may occasionally use our discretion to vary

our approach from that described in this document. We may do this in any individual case, following appropriate consultation, or we may make any change of approach apply in all subsequent cases, in which case we will formally amend our policy and procedures.

~~10~~^[M11] ~~Associated Legislation~~

~~Anti-Social Behaviour, Crime and Policing Act 2014~~

~~Care Act 2014~~

~~Police Reform and Social Responsibility Act 2011~~

~~Police and Crime Act 2009~~

~~Children's Act 2004~~^[M12]

~~Crime and Disorder Act 1998~~

~~Criminal Justice and Police Act 2001~~

~~Data~~^[M13] ~~Protection Act 2018~~~~1998 and 2003~~

~~Dogs (fouling on land) Act 1996~~

~~Equality Act 2010~~

~~Environmental Protection Act 1990~~

~~Freedom of Information Act 2000~~

~~Harassment Act 1997~~

~~Homelessness Reduction Act 2017~~

~~Housing Act 1985~~

~~Housing Act 1996~~

~~Human Rights Act 1998~~

~~Mental Health Act 1983 (amended 2007)~~

~~Noise Act 1996 as amended by ASB Act 2003 and the Clean Neighbourhoods and Environment Act 2005~~

~~Police and Criminal Evidence Act (PACE) 1984~~

~~Police Reform Act 2002~~

~~Refusal Disposal (Amenity) Act 1978~~~~1996~~^[M14]