

The Cabinet

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REPORT

Cllr Cole-Morgan: Cabinet Member for Housing & Community

ANTI SOCIAL BEHAVIOUR POLICY FOR HOUSING

1. Purpose of report

- 1.1 To approve a Statement of the Housing Departments policies and procedures and an associated summary on Anti Social Behaviour as required by Section 12 of the Anti Social Behaviour Act 2003.

2. Background

- 2.1 Section 218A of the 1996 Act was inserted by Section 12 of the Anti Social Behaviour Act 2003 and requires landlords that are local housing authorities, HAT's and registered social landlords to prepare and publish policies and procedures in relation to anti social behaviour ('ASB') by 30th December 2004.
- 2.2 In compiling policies and procedures on Anti Social Behaviour it is necessary to ensure compatibility with obligations placed upon us by other existing legislation but in particular the Children's Act 1989, Crime and Disorder Act 1998, Disability Discrimination Act 1995, Homelessness Act 2002, Race Relations Act 1976 and Human Rights Act 1998.

3. Type of Behaviour Covered by these Policies and Procedures

- 3.1 For the purposes of the duties imposed by section 218A of the Housing Act 1996 anti-social behaviour is any act which:
- Is capable of causing nuisance or annoyance to any person, and
 - Directly or indirectly relates to or affects the housing management functions of a relevant landlord, and
 - Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

4. Requirements

4.1 Section 218A of the 1996 Act requires us to prepare a policy and procedure on ASB and publish the following documents:

- Statement of Policy and Procedures on ASB ('the statement'), and
- Summary of current policy and procedures on ASB ('the summary').

4.2 The guidance states that the statement of policies should outline the landlords general approach to ASB and include any specific policies. The statement of procedures should outline the landlords procedures when dealing with occurrences of ASB.

4.3 The Statement and Summary have been compiled taking into account our current policy's, procedures and practices within housing and made reference where appropriate to the Anti Social Behaviour Protocols for Salisbury developed with the South Wiltshire Community Safety Partnership and the findings of the recent scrutiny review on Improving the Council's Contribution to Tackling Anti Social Behaviour.

5. Demoted Tenancies

5.1 The only new measure to be incorporated with the policy and procedures is the use of demoted tenancies.

5.2 The Anti Social Behaviour Act 2003 allows secure tenancies to be demoted on the grounds of anti social behaviour. It allows us to apply to a County Court for a demotion order, terminating the existing secure tenancy. The demotion order lasts one year and if granted allows the landlord to change:-

- The parties to the tenancy
- The period of the tenancy
- The amount of the rent and
- The dates on which the rent is payable

5.3 Whilst it is not envisaged that demotion orders would be used for these purposes a demoted tenancy has much the same status as an Introductory Tenancy and it will therefore be much easier for us to obtain possession should the anti social behaviour continue. Furthermore, demotion orders can be granted against tenants who have not perpetrated any anti social behaviour but when their visitors have.

6. Recommendation

Members are asked to approve:

6.1 The Statement of Policy on Anti Social Behaviour (Appendix I).

7. Background Papers

- 7.1.** Statement of Procedures on Anti Social Behaviour (Appendix 2).
- 7.2** The Summary of current policies and procedures (Appendix 3).

8. Implications

- 8.1** Legal : Included in the report.
- 8.2** Financial : None.
- 8.3** Human Rights : Included in the report.
- 8.4** Personnel : None.
- 8.5** Community Safety : Included in the report.
- 8.6** Environmental : None
- 8.7** Council's Core Values : Excellent Service, Supporting the Disadvantaged.

STATEMENT OF POLICY REGARDING ANTI SOCIAL BEHAVIOUR

1. **Introduction**

- 1.1 Salisbury District Council as a landlord has a duty to provide a policy statement relating to its approach to tackling anti social behaviour.
- 1.2 The statutory obligation is laid out under S.218A of the Housing Act 1996, as introduced by S.12 of the Anti Social Behaviour Act 2003.

2. **The Council's Objective**

- 2.1 Salisbury District Council Housing Department has a responsibility to tenants and the community to ensure that we effectively deal with any issues of anti social behaviour, as well as working effectively with partners, such as the South Wilts Community Safety Partnership and Police, to try and prevent anti social behaviour from occurring.
- 2.2 We believe that everyone has the right to enjoy their homes and environment in peace, quiet and safety.
- 2.3 We realise that the “peace, quiet and safety” can be broken by unacceptable behaviour. Reports of nuisance and anti social behaviour will be taken seriously and reported incidents will be investigated thoroughly and appropriate action will be taken.
- 2.4 We believe that more serious forms of anti social behaviour, such as racial harassment, domestic abuse, intimidation and threats of violence towards any member of staff, tenant or any other person in connection with our business is unacceptable and will be met with a zero tolerance approach.

3. **Description of Anti Social Behaviour Conduct**

- 3.1 There is not one specific definition of anti social behaviour. The Crime and Disorder Act 1998 described the problem as, “behaviour that causes or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the perpetrator)”.
- 3.2 The following table provides a list of common types of anti social behaviour. The list is not exhaustive.

Behaviour	Examples
Harassment, verbal abuse, racial abuse	Whilst hanging around, loitering e.g. outside the shops, shouting at people as they go in and out; shouting at people as they walk down the street; targeting people with abusive words or actions on the basis of race, gender, sexuality, disability or appearance; engaging in racist or abusive graffiti.
Criminal damage, vandalism, graffiti	Kicking out panels on bus shelters; setting fire to rubbish bins; using spray cans or marker pens, damaging cars.
Littering, dumping rubbish and dog fouling	Dropping litter; not putting household rubbish into bins; dumping builders waste (fly tipping); not clearing up after pets or just letting dogs loose to foul.
Noise Nuisance	Threatening or aggressive behaviour in the course of neighbour disputes. Playing music loudly for long periods of time or early in the morning or late at night. DIY of unsociable times, such as drilling before 9 a.m. or after 7 p.m.
Engaging in threatening behaviour in large groups	Whilst hanging around, littering in large groups, blocking entrances or stair wells; being in a group and engaging in any of the activities included on this chart; or generally anti social behaviour such as shouting, swearing, spitting, pushing or intimidation.
Disturbing residents' quiet enjoyment through disruptive sports and games inappropriate to the environment	Playing ball games in confined areas where inconsiderate nuisance and damage is being caused to residents e.g. by playing late at night; skateboarding in places where a noise nuisance is caused or where there is a risk of injury to passers-by.
Smoking or drinking alcohol whilst under age	Especially in large groups, where this can lead to aggressive behaviour and leaving large amounts of litter behind.
Substance misuse and dealing	Including alcohol misuse by those over 18, which can be particularly threatening in large groups out of doors; aggressively offering drugs; hanging around to buy, sell or use drugs; leaving drug debris lying around, such as needles or burnt cans; leaving empty cans and bottles in public places.
Joyriding, dangerous driving, thoughtless parking; abandoning vehicles	Riding motorbikes and scooters on walkways and in pedestrian areas; racing cars or bikes around squares; driving the wrong way down one way streets, driving unroadworthy vehicles; parking vehicles in ways which damage verges or block entrances; abandoning vehicles in sight of the public; setting fire to abandoned vehicles.

3.3 We will define anti social behaviour as behaviour that causes annoyance, nuisance or disturbance to anyone else in the vicinity.

3.3.1 For the purposes of the duties imposed by section 218A of the 1996 Act, anti social behaviour is any conduct to which sections 153A (1) and 153B (2) of the 1996 Act apply. These sections apply to:-

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

3.4 We will consider the following as reasonable behaviour. The list is only meant to give examples and is not exhaustive:-

3.4.1 Children playing in appropriate areas and at suitable times.

3.4.2 DIY work during daytime hours.

3.4.3 Usual household noise from washing machines and other household appliances during daytime hours.

4. To Whom This Applies

4.1 Our policy and related procedures apply to all properties owned and managed by Salisbury District Council.

5. Obligations of Tenants

5.1 We want our residents to be able to live in safe, secure and peaceful homes and neighbourhoods. If people are to enjoy these rights, then they must also accept basic responsibilities. Part of this is to abide by the tenancy agreement that they have signed and which is a legal contract with us.

5.2 The tenancy agreement makes it very clear that tenants, their family or visitors must not do anything that may cause a nuisance or harassment to others.

5.3 It makes no difference if the tenant, the tenant’s family or visitors cause the anti social behaviour. The tenant is responsible for the behaviour of those people living in the property or visiting.

6. Working with Other Agencies

6.1 We believe that we will be more effective in tackling anti social behaviour if we work in partnership with other agencies. We are part of the South Wilts Community Safety Partnership which comprises:-

Wiltshire Police
Wiltshire County Council
Salisbury District Council

7. Our Cross Tenure Approach

7.1 This policy is aimed at assisting tenants and residents of Salisbury District Council. However, we recognise that some of our developments are “cross tenure”. This means that there is a mix of:

- Council tenants
- Leaseholders
- Owners
- Housing Association Tenants
- Private tenants

7.2 We will assist with any complaint of anti social behaviour which involves our tenants or a member of their household causing nuisance to another resident.

8. Our Approach To Tackling Anti Social Behaviour

8.1 We will tackle anti social behaviour by:

Prevention	Initiatives will be used to try and stop the problem from arising in the first place and from continuing and escalating, should a problem develop.
Intervention	We will aim to intervene and offer support and advice if preventative measures have been unsuccessful. This option gives residents another chance, before enforcement measures are considered.
Enforcement	Will be used, when necessary and when other options have been unsuccessful.

8.2 Preventative Action

8.2.1 Some ways in which we will try and prevent anti social behaviour from happening are:-

- Offering mediation services.
- Support package for tenants who are vulnerable or at risk.
- Removing graffiti quickly and thoroughly.
- Door entry systems on blocks of flats as appropriate.
- Community initiatives to involve our residents of all ages.
- Improving properties with features to enhance security – “Secure by Design”.
- Regular estates visits by officers of the Council.

- Feedback surveys on the delivery and quality of service provided.
- Cleaning contracts to maintain the appearance of specific estates.

8.3 Intervention Action

8.3.1 If preventative methods have been unsuccessful, we will intervene, using some of the following methods:-

- Acceptable Behaviour Contracts.
- Notice of Seeking Possession.
- Referral to other agencies – e.g. police, social services, youth offending team.

8.4 Enforcement Action

8.4.1 When preventative methods and intervention have been unsuccessful, the conditions of the Tenancy Agreement will be enforced, when appropriate. Some ways in which we will do this are the following:-

- Work closely with the police and the local authorities to consider appropriate action including the use of Anti Social Behaviour Orders.
- Ask the Courts to grant injunctions where appropriate, with power of arrest if applicable.
- Ask the Courts to grant Demotion Orders.
- Evict tenants who persistently commit anti social behaviour.
- Ensure that staff handling these cases are trained, supported and kept updated of any relevant changes in legislation.

9. Rehabilitation for Perpetrators

9.1 We acknowledge that when possible, perpetrators should be offered support to try and change their behaviour.

Support will be particularly relevant when considering issues of anti social behaviour that are a consequence directly or indirectly of:

- Drug abuse
- Alcohol abuse
- Mental Health
- Disability

9.2 Some of the ways we will encourage the rehabilitation of those engaging in anti social behaviour are:

- Working with other agencies to tackle issues such as drug and alcohol abuse.

- Providing direct support for our tenants who may suffer from mental health problems.
- Supporting and initiating diversionary schemes, such as sports and educational learning, for young people.
- Use of Acceptable Behaviour Contracts for juveniles.

10. What To Do if You Are Experiencing Nuisance or Anti Social Behaviour

- 10.1** Before you take any action, please remember that your neighbour may not be aware that they are causing a nuisance, as different people have different lifestyles and do not always think their behaviour is unreasonable.
- 10.2** Talk to your neighbour about the problem. If you normally get on reasonably well with your neighbour, a friendly approach to discuss the problem may be more successful than an ‘official’ visit by a Housing Officer.
- 10.3** If you feel unable to speak to your neighbour or that it would be unwise to do so, speak to a Housing Officer. The Officer will advise you about informal or formal resolution and what the Council will do in the first instance to deal with nuisance.
- 10.4** In the case of nuisance caused by loud music or noise, you can contact the Environmental Health Department in addition to the Housing Officer. They have separate powers enabling them to deal with noise nuisance.
- 10.5** If mediation or the Housing Officer’s initial actions do not resolve the problem, you will be asked to keep detailed written records of the events. You will be asked to do this over a period of time. You will need to record dates, times and details of what happens and who may be involved.
- 10.6** Contact the police, who may be able to stop the nuisance while it is actually in progress. They will also record the incident and this may be required as evidence at a later stage if the case proceeds to Court.
- 10.7** Be prepared to act as a witness if Court action is necessary. We will support and assist you in every way we can.

11. What the Housing Department Can Do

- 11.1** We will ensure that the Housing Officers are trained, supported and kept informed of relevant changes in legislation. This will be done through internal and external training, including membership of professional bodies and through local community safety partnerships.
- 11.2** Your Housing Officer will decide whether emergency action – such as re-housing you and/or taking legal action against the perpetrator is needed.

11.3 If it is not an emergency situation your Housing Officer will take the following steps:

- A note of your complaint will be made and the person causing the problem will be written to, with your permission.
- We will keep your name confidential. However, it is sometimes quite easy for people to work out who has made a complaint.
- A Housing Officer will visit all parties as part of the investigations. The Officer will try and get all parties to reach a compromise or mutually acceptable agreement. If the nuisance is confirmed the Housing Officer will request that the behaviour is stopped.
- If the nuisance persists then Salisbury District Council may take further action:-
 - Obtaining an injunction against the perpetrator.
 - Liaising with the police and other agencies to gain evidence, where they have been involved.
 - Liaising with the police and other agencies to obtain Acceptable Behaviour Contracts or Anti Social Behaviour Orders.
 - Obtaining evidence and witness statements from other people who are affected by the behaviour.
 - Obtaining demoted tenancies against the perpetrator.
 - Taking legal action against the perpetrator for possession of their home, in more extreme cases of nuisance or anti social behaviour.

11.4 We will attend a multi agency 'ASB' Panel to discuss issues of ASB.

11.5 We will not re-house people who have been the subject of legal proceedings for nuisance in the immediate future.

12. Support for Witnesses

12.1 Whatever action is taken to tackle the problem, Officers will ensure that those suffering as a result of anti social behaviour are supported and kept informed of progress until the case is concluded.

12.2 In order to stop anti social behaviour, we may need to gather evidence to take to Court. Sometimes we can get this evidence from other agencies (such as the police) or our own staff.

12.3 However in many cases, the evidence of a neighbour can be the most important thing in getting the Court to take action.

12.4 If you can help us with first-hand evidence of anti social behaviour, this may be crucial to stopping the problem. We will discuss with you what you need to make you feel safe to be a witness. Support that we can provide includes:

- Providing an explanation into the impact of any local proceedings and decisions made by the Court.

- Emotional support by way of regular telephone calls and/or visits.
- Referral to the Witness Support Service, who have access to a range of further support services.
- Familiarisation visit to the Court in advance of a hearing.
- Agree post-hearing support between the agencies and witnesses after any Court hearing.
- Transport to and from the Court and practical advice and emotional support throughout the day of the hearing.
- Close liaison with other agencies involved, including the police, to ensure a consistent approach.

13. Monitoring, Data Protection and Confidentiality

- 13.1** We will provide information to the police and other relevant agencies that have signed up to the South Wilts Community Safety partnership. This will allow agencies to share information to help tackle anti social behaviour and crime.
- 13.2** We will record complaints of anti social behaviour in the form of file notes, recording details of incidents will be placed on the perpetrator's and witnesses' tenancy files. This ensures that we can progress the matter and keep records of action that has been taken and whether it has been successful.
- 13.3** We will not disclose to the perpetrator who has made the complaint about them.
- 13.4** We will respect anyone's right to remain anonymous. However, this can affect the outcome of cases that proceed to Court, as statements from neighbours are usually regarded as strong evidence by a Judge.

14. Other Policies

- 14.1** We have separate policies for dealing with:
- Equal Opportunities
 - Domestic Violence
 - Customer Care

Please contact the Housing Office for more details

If you require this information in another format, please let your Housing Officer know.

We can arrange a copy in another language, large print, Braille or on an audio cassettes.

APPENDIX 2

STATEMENT OF PROCEDURES REGARDING ANTI-SOCIAL BEHAVIOUR

1. **Introduction**

- 1.1 The following statement is intended to broadly outline how Salisbury District Council Housing Department will deal with a complaint of anti-social behaviour.
- 1.2 The following issues will be addressed:
- 1.2.1 Making a complaint
 - 1.2.2 How a complaint is processed
 - 1.2.3 The provision of support for complainants
 - 1.2.4 The use of enforcement action
 - 1.2.5 Support in relation to the perpetrator
 - 1.2.6 Monitoring complaints of anti social behaviour

2. **Making a Complaint**

- 2.1 If you feel unable to speak to the person causing the problem or this has proved unsuccessful, you need to contact your Housing Officer. This can be done in writing, in person, by e-mail or over the telephone.
- 2.2 In some circumstances it may be necessary to contact other agencies as well:
- Police - Concerns about criminal activities
 - Violence or threats of violence
 - Domestic Abuse
 - Racial Harassment
 - Environmental Health - Loud noise caused by music, rowdy behaviour, excessive domestic noise or problems with vermin
 - Social Services - If you believe a child may be at risk
 - Dog Warden - unruly animals, which are fouling in public areas, uncontrollable, aggressive or being mistreated.

- 2.3 All complaints will be treated confidentially and further action will be discussed with you beforehand.

3. **Processing a Complaint of Anti-Social Behaviour**

- 3.1 When you make a complaint, you may initially speak to any member of the Housing Management team, who will take details of the complaint and pass them to your named Housing Officer. The named Housing Officer will contact you within 3 days and will arrange to visit you within 7 days to discuss the matter further. If the complaint is serious or of a criminal nature you will be contacted within 24 hours.

- 3.2 At the first time of contact the named Officer will advise the following:

- Information - explain the process and what action the Council may be able to take, such as legal action.
- Communication - explain that the complainant will be told of each step of action that is proposed. If the complainant no longer wants to pursue the matter, the case may be closed unless a serious breach of Tenancy has been committed or illegal or immoral activities are occurring.
- Data Protection - explain that the complainant will be informed of every action that is taken. However, some information cannot be shared due to data protection legislation.
- Role of Complainant - explain that diary sheets must be kept to record incidents of nuisance and this will be over a minimum period of a month. It may be necessary to take the perpetrator to Court if the problem persists and complainants may be asked to act as witnesses in Court. Support will be provided before, during and after the event if this happens.

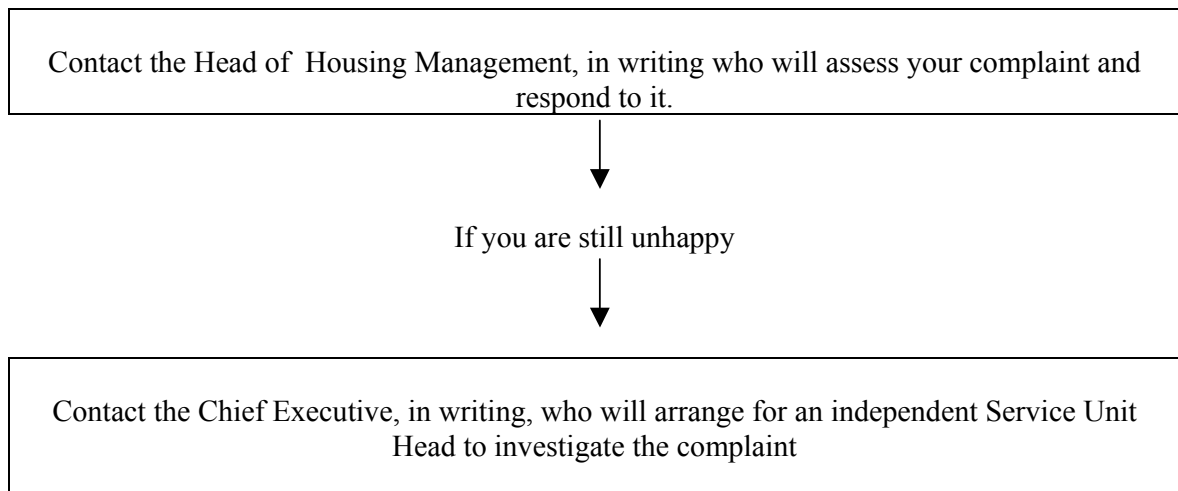
- 3.3 If you are unhappy with the service you receive you should take the following action:

Contact the Housing Manager, who will investigate your complaint and respond to you within 5 working days and a full response will be given within 28 days.



If you are still unhappy with the response





3.3.1 Having exhausted the internal complaints procedure you can also follow an external complaints procedure by contacting the Ombudsman. Contact details will be found at the end of this document.

3.3.2 Our Complaints Policy and Customer Care Policy give more details and copies will be made available on request.

4. Provision of Support for Complainants

4.1 In order to stop anti social behaviour, Salisbury District Council may need to gather evidence to take to Court. Sometimes we can get this evidence from other agencies (such as the police) or our own staff. However, in many cases, the evidence of a witness can be crucial in getting the Court to take action.

4.1.1 If you can help us with first-hand evidence of anti social behaviour, this may be crucial to stopping the problem. We will discuss with you what you need to make you feel safe to be a witness. Support that we can provide includes:

- Providing an explanation into the impact of any local proceedings and decisions made by the Court.
- Emotional support by way of regular telephone calls and/or visits.
- Referral to the Witness Support Service, who have access to a range of further support services.
- Familiarisation visit to the Court in advance of a hearing.
- Agree post-hearing support between the agencies and witnesses after any Court hearing.
- Transport to and from the Court and practical advice and emotional support throughout the day of the hearing.
- Close liaison with other agencies involved, including the police, to ensure a consistent approach.

4.2 If individuals feel that they need additional support from ourselves or external agencies we will consider this on a case by case basis. Some support mechanisms that may be considered are:

- Access to counselling services
- Access to telephone/face to face interpreters.
- Regular visits by housing officers.
- Joint visits with the police to discuss security in the home in certain circumstances.
- A transfer policy which is sympathetic to complainants and, where appropriate and in exceptional circumstances able to provide temporary and/or permanent re-housing.

5. The Use of Enforcement Actions

5.1 There are various legal and non-legal actions available to us when tackling anti social behaviour.

5.2 We will tackle anti social behaviour by:

Prevention Initiatives will be used to try and stop the problem from arising in the first place and from continuing and escalating, should a problem arise.

Intervention We will aim to intervene and offer support and advice if preventative measures have been unsuccessful. This option gives people another chance, before enforcement measures are considered.

Enforcement Will be used, when necessary and when other options have been unsuccessful.

5.3 **Preventative Action**

5.3.1 Some ways in which we will try and prevent anti social behaviour from happening are:-

- Mediation - especially successful in minor neighbour disputes.
- Support package for tenants who are vulnerable or at risk.
- Regular estate visits by officers of the Association.
- Feedback surveys on delivery of services and quality of homes.
- Landscaping and cleaning contracts to maintain the appearance of estates.
- Spot checks on estates by senior managers.
- Removing graffiti quickly and thoroughly.
- Door entry systems on blocks of flats where appropriate.
- Community initiatives to involve our residents of all ages.

- Modernising properties with features to enhance security.
- Deal with as many initial complaints informally through face to face contact with Housing Officers and residents.

5.4 Intervention Action

5.4.1 When preventative methods have been unsuccessful, we will intervene, using some of the following methods:

- Acceptable Behaviour Contracts (children and youths).
- Notice of Seeking Possession when nuisance is ongoing.
- Referral to other agencies – e.g. police, social services, youth offending team.

5.5 Enforcement Action

5.5.1 When preventative methods and intervention have been unsuccessful, the conditions of the Tenancy Agreement will be enforced, when appropriate. Some ways in which we will do this are the following:

- Work closely with the police and the local authorities to consider appropriate action including the use of Anti Social Behaviour Orders.
- Ask the Courts to grant injunctions where appropriate.
- Ask the Courts to grant Possession Orders, where appropriate.
- Ask the Courts to grant Demotion Order, where appropriate.
- Ensure that staff handling these cases are trained, supported and kept updated of any relevant changes in legislation.

6. Monitoring Complaints of Anti Social Behaviour

6.1 The service we provide to tackle anti social behaviour is monitored internally and externally.

6.2 Internally

6.2.1 All complaints are logged, detailing the type of anti social behaviour the area it has occurred in, the date it was reported and when the case has been closed.

6.2.2 The cases are monitored on a monthly basis by the Housing Managers and the complaints are reported to the Head of Housing Management on a quarterly basis.

6.2.3 Internal audit process – where our systems for dealing with anti social behaviour are tested objectively.

6.3 Externally

6.3.1 The Audit Commission can inspect us and report on its findings and any improvements or amendments that need to be made.

6.3.2 We share best practice ideas with other local authorities in the local area through a benchmarking club.

Contact Details

Salisbury District Council,
Housing Department,
26, Endless Street,
Salisbury,
Wilts. SP1 1DR.

Tel. 01722 336272
Fax. 01722 434530
E-Mail: HSGMail@Salisbury.gov.uk

Local Government Ombudsman,
The Oaks,
No. 2, Westwood Way,
Westwood Business Park,
Coventry. CV4 8JB.

Tel. 02476695999

**SALISBURY DISTRICT COUNCIL'S SUMMARY STATEMENT OF POLICY AND
PROCEDURES FOR TACKLING ANTI SOCIAL BEHAVIOUR**

1. Salisbury District Council's Policy on Anti Social Behaviour

- 1.1** Salisbury District Council has a responsibility to tenants and the community to ensure that we effectively deal with any issues of anti social behaviour and to try and prevent anti social behaviour from occurring.
- 1.2** We believe that everyone has the right to enjoy their homes and environment in peace, quiet and safety. We realise that this can be broken by unacceptable behaviour. Reports of nuisance and anti social behaviour will be taken seriously and reported incidents will be investigated thoroughly and, if proven, appropriate action will be taken.
- 1.3** We believe that more serious forms of anti social behaviour, such as racial harassment, domestic abuse, intimidation and threats of violence towards any member of staff, tenant or any other person in connection with the Council's business is unacceptable and will be met with a zero tolerance approach.

2. Who does this Policy Apply To?

- 2.1** Salisbury District Council's policy and related procedures apply to all properties owned and managed by the Council.

3. What is Anti Social Behaviour?

- 3.1** Anti Social Behaviour by residents, members of their household or their visitors, which causes annoyance, nuisance or disturbance to anyone else in the vicinity. The Anti Social Behaviour Act 2003 defines anti social behaviour as:

“Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects housing management functions or consists of or includes using or threatening to use housing accommodation for an unlawful purpose”.

- 3.2** The following list provides details of activities that will invariably be regarded as anti social behaviour. This list is not exhaustive:

- **Racial and Homophobic Harassment**

This is a breach of the tenancy agreement and Salisbury District Council will not hesitate to take action against anyone who commits an act of racial, homophobic or any other form of harassment. ‘A racist incident is any

incident which is perceived to be racist by the victim or any other person' – Macpherson Report 1999 Chapter 47.

- **Harassment**

Aside from the potentially more serious racial or homophobic harassment, anti-social behaviour can include elements of harassment on grounds of:

- Race and Ethnicity
- Age
- Gender
- Religion
- Sexual Orientation
- HIV and AIDS
- Mental Health
- Disability

This is also a breach of the tenancy agreement and Salisbury District Council will not hesitate to take action against anyone who commits an act of harassment in any form.

- **Domestic Violence and Abuse**

This can include complaints by the person directly affected or a member of the household or by a neighbour being caused distress or disturbance by incidences that are attributed to domestic violence. Our general principles in dealing with cases of domestic violence are:

- Our priority will be the safety of the person experiencing domestic violence
- Those experiencing domestic violence are provided with a fair, consistent and sympathetic service
- We will be non-judgmental
- We will maintain confidentiality
- We will provide options suitable to the needs of the individual

- **Criminal Behaviour**

'Criminal' is defined in its strict legal sense and can include behaviour such as:

- Motoring offences
- Acts of physical violence
- Theft and burglary
- Prostitution

- **Drugs**

Anti-Social behaviour can be attributed to the supply, use or misuse of illegal drugs. It can include behaviour such as:

- Violence
- Noise
- Verbal abuse
- Theft
- Damage
- Used syringes left in the communal areas

- **Alcohol and Solvent Misuse**

Anti-social behaviour under this category can include behaviour such as:

- Violence
- Verbal abuse
- Theft
- Damage

- **Noise**

Anti-social behaviour under this category can include:

- Parties
- Playing musical instruments
- Shouting
- Noise from TV's, radios and hi-fis
- Burglar alarms

- **Gardens**

Anti-social behaviour can arise from the use or misuse of gardens and can include:

- Overgrown gardens
- Rubbish in gardens
- Nuisance from Bonfires
- Vermin in gardens
- Lack of garden maintenance
- Vehicles located in gardens without permission
- Temporary structures such as sheds, pigeon lofts and barbeques which can create an eyesore or can lead to loss of light for a neighbour.

- **Verbal Abuse**

Such anti-social behaviour can include:

- Foul and abusive language
- Unfounded or unreasonable allegations

- **Damage to Property – Criminal Damage**

This can include deliberate damage caused to public and private housing such as:

- Graffiti
- Damage to communal areas and fittings
- Damage to fencing and walls

- **Pets and Animals**

Anti-social behaviour can be generated by the owning and keeping of pets and animals and can include:

- Animals fouling communal areas
- Animals being allowed to run unsupervised on balconies and footpaths
- Animals fouling a person's home or garden so a health hazard may be created
- Unreasonable or excessive noise or odours from animals
- The keeping of unsuitable or dangerous animals
- The keeping of livestock
- The feeding or attracting of birds and other animals (for example pigeons attracted to balconies)

- **Intimidation**

Anti-social behaviour can be generated where language or behaviour is used deliberately so as to intimidate a person and prevent them from the quiet enjoyment of their home. It can include such acts designed to prevent a person from:

- Reporting the activities of the perpetrator
- Coming forward as a witness in a case of anti-social behaviour

- **Nuisance from Vehicles**

Anti-social behaviour can result from use, ownership or repairing of vehicles and can include:

- Vehicle repairs
- The cause of nuisance through late night noise, lighting
- Excessive or inappropriate use of shared parking facilities
- Inconsiderate parking of vehicles so as to cause obstruction or damage to pedestrian or grassed areas
- Noise from car alarms
- Untaxed or unroadworthy vehicles

- **Boundary Disputes**

Anti-social behaviour can arise between two or more parties where the main issue concerns a physical boundary and can include the size, position or height of a hedge, wall, fence or similar boundary.

- **Nuisance from Business Use**

Anti-social behaviour can arise where residential premises are used for business use in contravention of tenancy conditions or planning regulations. It can include:

- The buying, selling or repairing of motor vehicles
- Noise caused by business use (e.g. deliveries and callers)
- Damage to property caused by business use
- Parking problems caused by business use

- **Rubbish and Misuse of Communal Areas**

Anti-social behaviour can be generated by the improper or insanitary use of homes and communal areas and can include:

- The dumping of rubbish in communal areas
- The keeping of homes in insanitary or unhealthy states

4. Residents' Obligations

4.1 Salisbury District Council wants its residents to be able to live in safe, secure and peaceful homes and neighbourhoods. If people are to enjoy these rights, then they must also accept basic responsibilities. Part of this is to abide by the tenancy agreement or lease that has been signed and which is legally binding.

4.2 The tenancy agreements and leases make it very clear that tenants, their family or visitors must not do anything that may cause a nuisance or harassment to others.

4.3 It makes no difference if the tenant, the tenant's family or visitors cause the anti social behaviour. The tenant is responsible for the behaviour of those people living in the property or visiting.

5. Salisbury District Council's Approach to Tackling Anti Social Behaviour

5.1 We will tackle anti-social behaviour by:

- **Prevention** Initiatives will be used to try and stop the problem from arising in the first place and from continuing and escalating, should a problem develop.
- **Intervention** We will aim to intervene and offer support and advice if preventative measures have been unsuccessful. This option gives residents another chance, before enforcement measures are considered.
- **Enforcement** Will be used when necessary and when other options have been unsuccessful.

5.2 Preventative Action

- Offering mediation services
- Support packages for residents who are vulnerable or at risk
- Removal of graffiti quickly and thoroughly
- Door entry systems on blocks of flats where appropriate
- Community initiatives to involve our residents of all ages
- Designing our new properties with features to enhance security
- Regular estate visits by Officers of the Council
- Feedback surveys on the delivery and quality of service provided
- Landscaping and cleaning contracts to maintain the appearance of estates as appropriate.

5.3 Intervention Action

If preventative methods have been unsuccessful, we will intervene, using some of the following methods:

- Using Acceptable Behaviour Contracts (children and youths)
- Serving Notice of Seeking Possession
- Referral to other agencies, e.g. police, social services

5.4 Enforcement Action

Where a breach of the conditions of the tenancy agreement has been proved and enforcement of the conditions in the tenancy agreement is appropriate, we will attempt to tackle the behaviour of the people responsible. To do this we will:

- Work closely with the Police and other agencies to consider appropriate action, including the use of Acceptable Behaviour Contracts and Anti Social Behaviour Orders (ASBO's).
- Ask the courts to grant injunctions where appropriate
- Ask the courts to grant Possession Orders where appropriate
- Ask the Courts to grant Demotion Orders where appropriate

- Ensure that staff handling these cases are trained, supported and kept updated of any relevant changes in legislation

5.5 **The Legal Framework in Respect of Anti-Social Behaviour, in Which Salisbury District Council Operates**

- **The Housing Act 1996** extended the grounds for possession in nuisance cases to include anti-social behaviour within the locality of tenant's property by their visitors and/or members of their household, or behaviour which is likely to cause nuisance or annoyance. A tenant who is convicted of an arrestable offence in the locality of the dwelling can now be evicted.
- **Crime and Disorder Act 1998** introduced a number of new measures to tackle crime and disorder, including the introduction of Anti-Social Behaviour Orders (ASBO's), Parenting Orders, Child Safety Orders and local child curfew schemes. Section 17 of the Act also imposed a duty on local authorities and the Police to work in partnership to develop crime and disorder reduction strategies and for local authorities and other public bodies "to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area". Section 17 also gave the Police a common law duty and a general power to disclose information for the prevention and detection of crime to relevant authorities.
- **Police Reform Act 2002** includes amendments to the ASBO (Anti-Social Behaviour Order) provisions of the Crime and Disorder Act 1998; extends the area over which an ASBO can be made, introduces Interim ASBOS and ASBOS on conviction in criminal proceedings alongside related proceedings; enables Registered Social Landlords to apply for ASBO's.
- **Anti-Social Behaviour 2003** introduces a range of new measures to deal with anti-social behaviour, including Closure Orders, Dispersal Orders and Demotion Orders. It also extended the use of injunctions and Anti-Social Behaviour Orders. Section 12 of the Act requires that all social landlords must publish their policy and procedures on dealing with anti-social behaviour and keep them under review and revised as appropriate.

5.6 A copy of our statement of policy and procedures must be available for inspection at Salisbury District Council's office, and must be provided on payment of a reasonable fee to any person who requests it. A summary of our current policy must be provided without charge to any person who requests it.

5.7 **Rehabilitation**

Salisbury District Council will work with others to assist with the rehabilitation of offenders and potential offenders to play a more positive role within the community. This includes:

- Working with other agencies to tackle issues such as alcohol and drug abuse.
- Providing direct support service (Floating Support) for those tenants who may have mental health problems.
- Attempting to facilitate projects for young people who are at risk of becoming either victims or perpetrators of anti-social behaviour.

6. What To Do If You Are Experiencing Nuisance or Anti Social Behaviour

- 6.1** Before you take any action, please remember that your neighbour may not be aware that they are causing a nuisance, as different people have different lifestyles and do not always think their behaviour is unreasonable.
- 6.2** Talk to your neighbour about the problem. If you normally get on reasonably well with your neighbour, a friendly approach to discuss the problem may be more successful than an ‘official’ visit by a Housing Officer.
- 6.3** If you feel unable to speak to your neighbour or that it would be unwise to do so, speak to a Housing Officer. The Officer will advise you about informal or formal resolution and what the Council will do in the first instance to deal with nuisance.
- 6.4** In the case of nuisance caused by loud music, noise or vermin you can contact the Environmental Health Department, in addition to the Housing Officer. The local authority has separate powers under the Environmental Health Act 1980.
- 6.5** If mediation or the Housing Officer’s initial actions do not resolve the problem, you will be asked to keep detailed written records of the events. You will be asked to do this over a period of time. You will need to record dates, times and details of what happens and who may be involved.
- 6.6** Contact the police, who may be able to stop the nuisance while it is actually in progress. They will also record the incident and this may be required as evidence at a later stage if the case proceeds to Court.
- 6.7** Be prepared to act as a witness if Court action is necessary. We will support and assist you in every way we can.

7. What Salisbury District Council Can Do

- 7.1** All reports of nuisance and anti social behaviour will be taken seriously and reported incidents will be investigated thoroughly and if proven, appropriate action will be taken.
- 7.2** Ensure that staff handling these cases are trained, supported, and kept updated of any relevant changes in legislation.
- 7.3** We will remove graffiti quickly and thoroughly. Racist graffiti will be removed within 24 hours of it being reported.

- 7.4 Where appropriate, mediation will be offered.
- 7.5 Where mediation is not appropriate, a Nuisance Diary will be issued for you to complete over a period of time.
- 7.6 We will keep your name confidential. However, it is sometimes quite easy for people to work out who has made a complaint.
- 7.7 A Housing Officer will visit all parties as part of the investigations. The Officer will try and get all parties to reach a compromise or mutually acceptable agreement. If the nuisance is confirmed the Officer will request that the behaviour causing the nuisance is stopped.
- 7.8 If the nuisance persists and is proven, then Salisbury District Council may take further action, where it is appropriate to do so. This may include:
- Obtaining an injunction against the perpetrator
 - Liaising with the Police and other agencies to gain evidence, where they have been involved
 - Liaising with the Police to obtain Acceptable Behaviour Contracts or Anti Social Behaviour Orders
 - Obtaining evidence and witness statements from other people who are affected by the behaviour
 - Taking legal action against the perpetrator for possession of their home, in more extreme cases of nuisance or anti social behaviour.

Salisbury District Council will NOT re-house people who have been the subject of legal proceedings for nuisance in the immediate future.

8. What Salisbury District Council Cannot Do

- 8.1 There are times and situations when Salisbury District Council will not, or is unable to, take any action. Examples of these situations are given below but the list is not exhaustive.
- Salisbury District Council cannot tackle anti-social behaviour on its estates in isolation. Support is needed from residents, and other agencies where appropriate, to stop anti-social behaviour.
 - We cannot take legal action where there is no evidence to support allegations of anti-social behaviour or where the behaviour complained of is not the subject of any legal action.
 - We cannot take action when nuisance is suffered as a result of others doing something that is not deliberate and/or only 'domestic in nature'.
 - We cannot take action where the act of nuisance was a 'one off' situation.

9. Working with Other Agencies

- 9.1 Salisbury District Council believes that the most effective way of tackling anti social behaviour is to work in partnership with other agencies. We are members of the South Wilts Community Safety Partnership which is an agreement

between member agencies and addresses such issues as information sharing and confidentiality. Some of the agencies we work with are:

- Wiltshire Police
- Wiltshire County Council
- Probation Service
- Youth Offending Team
- Other Registered Social Landlords

10. Our Cross Tenure Approach

- 10.1** Salisbury District Council will assist with any complaint of anti social behaviour, if it is caused by our tenants. If our tenants are causing nuisance to other residents, we will take appropriate action to try and resolve the issue.

11. Rehabilitation for Perpetrators

- 11.1** Salisbury District Council acknowledge that when possible perpetrators of anti social behaviour should be offered support to try and change their behaviour. However, in some circumstances eviction may still occur.

- 11.2** Support will be particularly relevant when considering issues of anti social behaviour that are a consequence directly or indirectly of:

- Drug abuse
- Alcohol abuse
- Mental Health
- Disability

- 11.3** Some of the ways we will encourage the rehabilitation of those engaging in anti social behaviour are:

- Working with other agencies to tackle issues such as drug and alcohol abuse
- Providing floating support for our residents who may be at risk or vulnerable
- Supporting and initiating diversity schemes, such as sports and educational learning for young people.
- Use of Acceptable Behaviour Contracts for juveniles.

12. Monitoring, Data Protection and Confidentiality

- 12.1** We will share information with the Police and other relevant agencies that have signed up to the South Wilts Community Safety Partnership as appropriate. This will allow member agencies to share information to tackle anti social behaviour and crime.

- 12.2** We will write down what people say when they are reporting an incident or acting as a witness. However they do not have to sign the statement.

- 12.3** We will not rely on any information provided anonymously.
- 12.4** We will, in any legal proceedings, seek to protect the identity of any complainant who wishes to remain anonymous, although anonymity cannot be guaranteed.
- 13. Support for Witnesses and Those Suffering from Anti Social Behaviour**
- 13.1** Whatever action is taken to tackle the problem, Officers will ensure that those suffering as a result of anti social behaviour are supported and kept informed of progress until the case is concluded.
- 13.2** In order to stop anti social behaviour, we may need to gather evidence to take to Court. Sometimes we can get this evidence from other agencies (such as the Police) or our own staff.
- 13.3** However in many cases, the evidence of a neighbour can be the most important thing in getting the Court to take action.
- 13.4** If you can help us with first-hand evidence of anti-social behaviour, this may be crucial to stopping the problem. We will discuss with you what you need to make you feel safe to be a witness. Support that we can provide includes:-
- Providing an explanation into the impact of any local proceedings and decisions made by the Court.
 - Emotional support by way of regular telephone calls and/or visits.
 - Referral to the Witness Support Service, who have access to a range of further support services.
 - Familiarisation visit to the Court in advance of a hearing.
 - Agree post-hearing support between the agencies and witnesses after any Court hearing.
 - Transport to and from the Court and practical advice and emotional support throughout the day of the hearing.
 - Close liaison with other agencies involved, including the police, to ensure a consistent approach.
 - Offering translation services for witnesses where appropriate.