

Policy Outline

ANTI SOCIAL BEHAVIOUR

OVERALL PURPOSE OF POLICY

To address acts of anti social behaviour on estates in order to make sure that all residents can live peacefully in their homes and within the community.

HOW THE POLICY WILL BE IMPLEMENTED

Wakefield and District Housing (WDH) will ensure that everyone can live safely in their homes by using all the legal powers available to deal with acts of anti social behaviour, including:

- Injunctions (including power of arrest).
- Anti Social Behaviour Orders (ASBOs).
- Acceptable Behaviour Contracts (ABCs).
- Possession Orders.
- Demotion Orders.

Work with other agencies to reduce anti social behaviour and improve enforcement action by acting swiftly and in partnership.

Support victims and witnesses by regularly keeping them informed of progress in their complaint.

PERFORMANCE MEASURES

- Percentage of cases actioned within five days.
- Number of new ASB cases reported.
- Number of new ASB cases reported by category.
- Number of actions taken to manage ASB.
- Number of live, resolved and closed ASB cases.
- Number of resolved and closed ASB cases by category.
- Number of resolved ASB cases by last action taken.
- Percentage satisfied with how ASB complaint dealt with.
- Percentage satisfied with the outcome of ASB complaint.
- BV74 tenant satisfaction with overall housing service provided by the landlord.

TARGETS

- 100% of all anti social behaviour complaints first actioned within five days.
- 80% satisfaction with how ASB complaints are dealt with (incremental satisfaction level to reach target by December 2010).
- 90% satisfaction with the neighbourhood as a place to live.

Date Approved By Board: 28 January 2008

Date Due For Review: 31 January 2011

Responsible Officer: Community Safety Manager

POLICY - ANTISOCIAL BEHAVIOUR

1 Statement of Intent

- 1.1 WDH firmly believes that everyone has the right to live peacefully in their home without suffering disturbance or nuisance from other persons. All tenants, including household members and visitors, must respect the privacy and quiet enjoyment needs of all others. This principle applies both to the area around people's homes and to the communities where they live.
- 1.2 WDH will be responsible for making sure that all tenants, including their family members, lodgers and visitors, comply with the full terms of their Tenancy Agreement to ensure that all residents can enjoy their homes without fear of persistent nuisance or anti social behaviour.
- 1.3 WDH will not tolerate any distress caused to others by those involved in persistent nuisance and anti social behaviour. It will pursue the full range of enforcement action available in order to effectively combat the behaviour of offenders. It will seek to enforce the tenancy conditions wherever necessary.

WDH's Tenancy Agreement states that:

Your responsibilities for your own behaviour, members of your household and visitors are not confined to your home. They also apply to the area around your home and the community you live in.

You or anyone visiting your home or living with you must not:

- Do, or allow anything which causes a nuisance, annoyance or disturbance to any other person.
- Engage in drug dealing or engage in or permit others to take part in the consumption, or possession of illegal substances.
- Damage, deface or put graffiti on any of our property, other property or buildings.
- Engage in any illegal, immoral or unlawful activity.
- Allow rubbish to accumulate in or around your home and you must make sure that rubbish is not dumped on any other surrounding area or land owned by us.
- Throw or drop any items from any parts of block or flats or other buildings owned by us.
- Damage or interfere with security and safety equipment in shared areas and should not let strangers into shared areas without proper identification.
- Tether horses, ponies, donkeys or any other livestock on any open plan areas or other land owned by us or Wakefield Council.
- Engage in unauthorised off road motorcycling.

You and anyone visiting your home or living with you must keep shared areas clean, tidy and free from any obstruction. You must not store or use in or around your home in any garage or in any shared areas any dangerous, inflammable or explosive substance.

You must not keep mopeds, motorbikes or any equipment driven by a combustion engine inside your home or in internal shared areas.

- 1.4 WDH will play a strong and active role with all multi agency partners within Wakefield in pursuit of effective remedies against nuisance and anti social behaviour. In addition, it will continue to develop further its commitment to create safer homes and housing communities from not only its position as a Registered Social Landlord, but as a key member of the Wakefield District Community Safety Partnership.
- 1.5 Alongside our partners such as Wakefield Council, the Police and community groups, we will work to develop safe and confident neighbourhoods as outlined in our Community Safety Strategy 2006 - 2010. Our objectives are to:
- Tackle anti social behaviour.
 - Help victims and vulnerable people.
 - Help reduce acquisitive crime (for example, burglary and vehicle crime).
 - Improve neighbourhoods.
- 1.6 WDH will develop the work of the Tenancy Support Team who, in partnership with West Yorkshire Police, is at the forefront of tackling anti social behaviour on estates.
- 1.7 WDH fully support the Government's Respect programme and have signed up to the new Respect Standard for housing management. We are fully committed to ensure all our tenants enjoy a decent quality of life and will challenge those responsible for causing anti social behaviour within our neighbourhoods.
- 1.8.1 As part of its daily work, WDH will aim to provide an early intervention to all complaints of nuisance behaviour and will look to try and resolve disputes through mediation where appropriate. It will, therefore, work closely with 'Mediation in Yorkshire' who provide an independent mediation service for the Wakefield district.
- 1.9 WDH will work positively with the Wakefield Youth Offending Team (YOT) to help provide diversionary activities for young people who are at risk of being involved in anti social behaviour or crime and through the Wakefield Youth Inclusion and Support Programme (YISP)



2 Outline of Service

2.1 The term anti social behaviour includes a wide range of activities, ranging from those that cause minor nuisance and annoyance, to those which cause significant alarm, fear or distress to those affected and can be motivated by a number of factors.

2.2 WDH apply the 1996 Housing Act to define anti social behaviour as 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
- consists of or involves using, or threatening to use, housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

'Person' in this definition includes anyone who has the right to live in property owned or managed by WDH, those living in any other property in the neighbourhood (for example, owner occupiers, tenants of other landlords) and anyone else lawfully in such property or in the locality.

The '**housing management function**' covers any activity that WDH would undertake in the day to day management of our properties and neighbourhoods. This would include:

- Resident Involvement.
- Repairs and maintenance.
- Rent collection.
- Neighbourhood management.

Matters that might '**indirectly**' affect the housing management function could include housing support, environmental health, refuse collection and other services provided that help with the efficient operation of the landlord function.

2.3 WDH will work with other agencies and local communities to pursue the full range of enforcement action against persistent nuisance offenders. This can include Anti Social Behaviour Orders, Injunctions, Acceptable Behaviour Contracts, Demotion Orders and Possession Orders where most appropriate.

2.4 WDH will work with West Yorkshire Police (Wakefield Division) to improve the policing of estates to help prevent and tackle anti social behaviour.

2.5 WDH will work with Wakefield Council's Corporate Enforcement Team and Neighbourhood Action Team to improve enforcement action and direct resources such as Neighbourhood Patrollers to where they are most needed to tackle and prevent anti social behaviour.

- 2.6 WDH will offer all Service Access Points and Area Management Offices as Hate Incident Reporting Centres as part of the ongoing work within West Yorkshire for multi agency reporting of hate incidents. As well as utilising a common reporting form, this will ensure that WDH's offices and other agencies in Wakefield provide a venue for those wishing to report hate incidents as an alternative to visiting a local Police Station.
- 2.7 WDH will take complaints of nuisance or anti social behaviour from a number of sources, for example, receipt of a nuisance complaint form, requests for rehousing, Councillors' and MPs' surgeries, Police, telephone calls, letters and through the WDH website.
- 2.8 WDH's OneCALL service will give complainants the opportunity to report incidences of nuisance and anti social behaviour 24 hours a day. Advice and assistance will be given and in exceptional circumstances a response will be arranged from our out of hours service to help remedy the situation.
- 2.9 When an initial complaint is received employees will identify the type of nuisance that is occurring, its frequency and severity and whether it constitutes anti social behaviour.
- 2.10 WDH classes, but not exclusively, the following as anti social behaviour activities:
- Dealing in illegal substances.
 - Storing stolen goods.
 - Burglary.
 - Damage to property or land.
 - Violent behaviour.
 - Racial attacks.
 - Harassment.
 - Noise nuisance.
 - Immoral behaviour.
 - Domestic violence.
 - Alcohol abuse.
- 2.11 Where the complaint is about anti social behaviour the matter will be referred to the Tenancy Support Team, in consultation with estate management teams and contact will be made with other agencies where necessary, to discuss the case and identify what work is required to remedy the matter.
- 2.12 WDH will use discretion and, where appropriate, develop an action plan in response to receiving a complaint of anti social behaviour, which will involve the complainant in outlining actions to be taken and regular communication.

However, the preparation of case action plans will be proportionate to the harm being caused and will not impede the need for WDH to offer complainants a swift and effective remedy to antisocial behaviour where necessary.

2.13 WDH understand the anxiety that being a witness can cause. To combat this and to maintain the witness's goodwill and confidence it will support them as much as possible by:

- The WDH officer dealing with the case keeping in regular contact to prevent them feeling isolated, check on their well being and maintain their goodwill. This could also be used to get regular up to date information on any recent incidents.
- Offering improved home security if required through the WDH Target Hardening Team.
- Involving local groups such as Tenants Associations or Neighbourhood Watch to support individuals and give corroborating statements.
- Fully utilising the role of the Tenancy Support Team in offering the services of a professional witness.
- Rehousing them temporarily or permanently where there is great concern over health and safety through actual or threats of violence.
- Using pre court meetings to review evidence, give advice on what will happen in court and give advice on what questions may be asked.
- Liaising with Wakefield Council's Neighbourhood Action Team to arrange contact and response from Neighbourhood Patrollers.

2.14 In cases where individual complainants are frightened to give evidence in court, because of fear of reprisals against them, WDH will seek to explore other means of evidence collection including the role of the Tenancy Support Team, Out of Hours Team, and the use of covert compliant CCTV where appropriate.

2.15 If action at local level fails to stop the anti social behaviour and it is ultimately decided that court proceedings should be started for possession, demotion, injunction or Anti Social Behaviour Order, then WDH will ensure that the remedy sought is appropriate and reasonable.

2.16 WDH will ensure that the evidence collected to support legal action will be as strong and comprehensive as possible. It will be stressed to all employees that every incident, interview, telephone conversation, item of correspondence and police log must be recorded, acknowledged, listed and filed chronologically. WDH will also apply to the courts for Certificates of Conviction where these will help as supporting evidence.

2.17 WDH will ensure that all employees receive relevant and full training, that they are kept up to date with changes in legislation, policies and procedures, to enable them to manage incidents of antisocial behaviour more effectively.

2.18 Where a new housing applicant has a history of serious criminality comprising unspent convictions or anti social behaviour, WDH may regard them as ineligible for allocation of accommodation in accordance with our existing Choice Based Lettings Policy. Where it is felt that eligibility is in doubt as a result of past behaviour, WDH will undertake case reviews through a multi agency panel.

- 2.19 WDH will look to provide audio recording equipment, video cameras, CCTV, cameras or photographic equipment for residents who are willing to help gather evidence and will ensure the appropriate legislative requirements are met.

3 Specific Needs

- 3.1 WDH will take into account the specific needs, which may arise, of older and vulnerable people, people with disabilities, and Black and Minority Ethnic groups, in a manner that promotes equality and inclusiveness.
- 3.2 Where WDH identifies specific support need for the perpetrators of anti social behaviour, a referral will be made to the Supported Housing Team or other appropriate agency.
- 3.3 WDH will always consider issues of vulnerability where, for example, it is felt that anti social behaviour is associated with a person's disability, mental health problems or drug and alcohol abuse. In such cases we will apply the relevant provisions of the Disability Discrimination Act and other legislation, seeking the intervention and support of partner agencies as appropriate.

4 Consultation

- 4.1 The Anti Social Behaviour Service Review Group will be consulted on any review of this policy.

5 Implementation

- 5.1 The Board and Chief Executive of WDH are responsible for ensuring that this policy is implemented.
- 5.2 Under the delegated authority contained within the Standing Orders of WDH it is the responsibility of all employees and those working on behalf of WDH to ensure that their work is carried out in line with this policy and any related procedures.
- 5.3 WDH is committed to the highest standards of customer care and will apply this policy in accordance with the standards published in its Customer Charter and Customer Care Policy. If customers are dissatisfied with the service that they have received or with the application of this policy then they should refer to our Complaints and Compensation Policy.

6 Monitoring

- 6.1 The Board of WDH will receive regular monitoring reports to evaluate the effectiveness of this policy in meeting customer expectations.
- 6.2 WDH will undertake surveys to monitor the satisfaction of its tenants with the service provided and will publish the results.
- 6.3 Where relevant information is available WDH will benchmark its performance against other organisations to ensure the highest standards of service delivery.

7 Review

- 7.1 WDH will undertake a review of this policy whenever there are any relevant changes to legislation, case law or good practice that would impact on this policy or in the light of any required service improvements identified through our Complaints and Compensation Policy.
- 7.2 WDH will constantly review service provision in line with Best Value principles, and will undertake regular reviews to ensure continuous improvements and value for money in the delivery of its services.
- 7.3 The Board of WDH will be responsible for ensuring that reviews of this policy are carried out and that the policy contributes to, and complements, the strategic objectives of the organisation.
- 7.4 In carrying out any such review account will be taken of the organisation's commitment to Equality and Diversity.

For further information please refer to our policy on Equality and Diversity.

8 Risk

- 8.1 All risks that fall within the scope of this policy and its service areas have been identified and contained within WDH's Risk Map and Management Plan with controls in place to ensure that the risks are managed effectively.
- 8.2 When reviews of this policy are undertaken, checks will be made against WDH's Risk Map and Management Plan to ensure that the policy takes account of and addresses any relevant risks. Where the policy review identifies a material risk that is not contained within the Risk Map and Management Plan the risk will be notified to the Risk and Audit Manager and appropriate controls put in place.

For further information please refer to our Risk Map and Management Plan.

9 Legislation and Other Documents

- 9.1 The Board of WDH will ensure that this policy complies with all relevant legislation and takes account of current best practice:

Housing Act 1985

Housing Act 1996

Crime and Disorder Act 1998

Protection for Eviction Act 1977

Regulation of Investigatory Powers Act 2000

Antisocial Behaviour Act 2003

Disability Discrimination Act 1995

Home Office ASBO Guidance (August 2006)

Home Office ABC Guidance (August 2007)