

# Anti-Social Behaviour Policy - February 2022



Review date: This policy will be reviewed in February 2024 or at an earlier date should the need arise due to changes in legislation

Contents

[Anti-Social Behaviour Policy - February 2022 1](#_Toc95119902)

[1. Tackling Anti-Social Behaviour- Our Policy 3](#_Toc95119903)

[2. Our priorities 3](#_Toc95119904)

[3. What is Anti-Social Behaviour? 3](#_Toc95119905)

[4. Hate related incidents 4](#_Toc95119906)

[5. Working in Partnership 4](#_Toc95119907)

[6. Our Approach 5](#_Toc95119908)

[The Incremental Approach 5](#_Toc95119909)

[Advice – Letter/verbal 5](#_Toc95119910)

[Warning 5](#_Toc95119911)

[Acceptable behaviour contract 5](#_Toc95119912)

[Mediation 6](#_Toc95119913)

[Enforcement 6](#_Toc95119914)

[Neighbour Disputes 6](#_Toc95119915)

[Insufficient evidence to proceed 6](#_Toc95119916)

[7. Anti-Social Behaviour caused by council tenants. 7](#_Toc95119917)

[Responsibilities of the Tenant 7](#_Toc95119918)

[Responsibilities of the Landlord 7](#_Toc95119919)

[Possession Proceedings 7](#_Toc95119920)

[Introductory Tenancies 7](#_Toc95119921)

[Demoted Tenancies 7](#_Toc95119922)

[Mandatory Route for Possession 7](#_Toc95119923)

[8. The Community Trigger (ASB Case Review) 8](#_Toc95119924)

[9. Customer Satisfaction 8](#_Toc95119925)

[10. Support for victims and witnesses of Anti-Social Behaviour 8](#_Toc95119926)

[11. Support for our tenants- Management Moves 9](#_Toc95119927)

[12. Support for vulnerable people causing Anti-Social Behaviour 9](#_Toc95119928)

[13. Education 9](#_Toc95119929)

[14. Equality and Diversity Commitment 9](#_Toc95119930)

## 1. Tackling Anti-Social Behaviour- Our Policy

Anti-social behaviour can affect anyone and can have serious consequences for both individuals and communities alike. As such, Hinckley & Bosworth Borough Council is committed to working in partnership with agencies to challenge and prevent anti-social behaviour across our Borough.

## 2. Our priorities

* To ensure that every member of the community is able to safely and peacefully enjoy their home and neighbourhood
* The problem of anti-social behaviour is robustly challenged across the Borough
* Offenders of anti-social behaviour are challenged about their behaviour in a timely way
* Early prevention is put in place for those responsible for causing anti-social behaviour within our Borough
* Communities are educated about the consequences of anti-social behaviour
* Local residents feel confident to report their concerns
* Local residents feel satisfied with our response in relation to their complaint and the outcome achieved
* Vulnerable people in our communities are identified and supported
* Repeat offending is reduced

## 3. What is anti-social behaviour?

Anti-social behaviour can include a variety of behaviour which adversely affects an individual or community. The Crime and Disorder Act 1998 defines anti-social behaviour as “acting in a manner likely to cause harassment, alarm or distress to an individual not of the same household”.

Types of anti-social behaviour include:

* Harassment (including racial harassment, homophobic harassment,
and harassment on religious grounds)
* Verbal and physical abuse and Intimidation
* Damage to property, including graffiti and vandalism
* Nuisance from vehicles, including parking, street repairs, and abandoned cars
* Noise – music, vehicles, alarms, and other types of noise
* Littering and fly-tipping (includes dumping of rubbish, white-goods, and furniture)
* Using and/or selling drugs

Anti-social behaviour is not:

* Children playing
* Neighbours doing DIY (at reasonable times of the day)
* Groups of people in the street or in parks, unless they are being rowdy, abusive, causing damage or committing other crimes
* Noise caused by everyday living
* Religious or cultural practice

Hinckley & Bosworth Borough Council is committed to developing and maintaining sustainable communities across the borough. There are a number of departments within the council who can assist in dealing with anti-social behaviour complaints, depending on the nature of the complaint. In some cases, the police may be the most appropriate agency to deal with a complaint of anti-social behaviour, particularly if the anti-social behaviour includes concerns about criminal behaviour. In such instances, there will be no further role for the council.

The Council’s Anti-Social Behaviour team may be unable to assist in dealing with anti-social behaviour complaints if there is alternative primary legislation that is more appropriate to manage the issue raised.

The council may not be able to take further action if a report of anti-social behaviour is received anonymously, unless it can be substantiated another way. All cases will be dealt with confidentially and the Anti-Social Behaviour Team will not disclose the identity of the victim or witness to the subject of the anti-social behaviour without the consent of the victim/witness.

## 4. Hate related incidents

A hate incident is any behaviour that is perceived by the victim or any other person as being motivated by prejudice or hostility based upon the victim’s real or perceived:-

* Race/Ethnicity – including ethnic origin, skin colour, nationality, culture, and/or language
* Sexual orientation/Homophobia
* Faith, religion or belief
* Disability
* Transgender/Gender identity

All ASB complaints that involve a hate-related element will be processed as an urgent enquiry. If it is deemed that the police, or another organisation are the most appropriate agency to deal with a reported hate incident, then the relevant referral will be made.

## 5. Working in partnership

Hinckley & Bosworth Borough Council is committed to working in partnership to challenge and tackle anti-social behaviour within our Borough. The Endeavour team is a dedicated community protection team which seeks to co-ordinate a multi-agency response to dealing with all community protection concerns including anti-social behaviour. The Endeavour team comprises a number of agencies including: the Borough Council, the Police, Leicestershire County Council and Leicestershire Fire and Rescue Service.

## 6. Our approach

### The incremental approach

Hinckley & Bosworth Borough Council follows an incremental approach to responding to and taking action against those individuals causing anti-social behaviour in our Borough. We aim to provide a consistent and proportionate response towards all perpetrators of anti-social behaviour.

A person can enter the incremental approach at any stage dependant on the severity of the incident reported and/or the timeframe since any previous incidents. In the majority of cases, the officers are guided by a 6 month timeframe when determining the most appropriate stage to enter the tiered approach. If it is deemed to be appropriate, an individual can also be issued with the same sanction on multiple occasions.

We recognise that in some circumstances individuals causing anti-social behaviour will not realise that their behaviour is impacting on others, therefore, where appropriate and necessary, referrals to other supportive agencies will be made.

In order for action to be taken against a person committing anti-social behaviour, we may ask a complainant to provide evidence of their allegation. Typically, this could include an incident diary or a written statement. This will be determined by the officer investigating the case.

### Advice – letter/verbal

Issued to highlight allegations of anti-social behaviour, which have raised concern.

### Warning

Issued to highlight a person’s ongoing or more serious involvement in anti-social behaviour and request for this behaviour to stop.

### Acceptable behaviour contract

Voluntary contract issued to address a person’s anti-social behaviour and to support them in stopping this behaviour.

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As part of the incremental approach, a Community Protection Warning (CPNW) and/or a Community Protection Notice (CPN) may also be used in conjunction with the above, in accordance with the ASB, Crime and Policing Act 2014. A CPNW and/or a CPN can be issued at any point within the incremental approach as determined by the lead officer.

### Mediation

Hinckley & Bosworth Borough Council has a number of trained mediators who can facilitate mediation between complainants. Mediation is not applicable in all circumstances.

### Enforcement

Enforcement action is sometimes the only measure available to the council to prevent further anti-social behaviour.

There are a number of legal sanctions the council is able to utilise to legally challenge a person causing anti-social behaviour. This list is not exhaustive but includes:

* Injunction
* Community Protection Notice
* Closure Order
* Noise Abatement Notice
* Possession proceedings (further information is detailed below)

The council will also work in partnership with the police to consider criminal sanctions where appropriate.

### Neighbour disputes

Not all neighbour disputes should be dealt with as anti-social behaviour. Depending on the circumstances of a complaint, a complainant may be advised to get their own legal advice in relation to their complaint.

### Insufficient evidence to proceed

During the course of an investigation there may be a number of reasons why an investigating officer cannot take action.

Reasons may include;

* Establishing that the incident did not happen or was malicious
* Insufficient evidence to prove the matter to the relevant standard of proof
* Lack of cooperation from the complainant, or evidence supplied
* The anti-social behaviour has ceased and the likelihood of a repeat incident is low
* There are mitigating circumstances with regards to the perpetrators of the anti-social behaviour

The investigating officer will inform the complainant at the earliest opportunity if they determine that they cannot take further action and they will close the case.

## 7. Anti-social behaviour caused by council tenants.

### Responsibilities of the tenant

The tenancy agreement clearly states that a tenant will not cause nuisance or annoyance or allow it to be caused at the property. By signing the tenancy agreement the tenant has effectively said they will not cause any anti-social behaviour at their property or allow their visitors to cause any anti-social behaviour.

### Responsibilities of the landlord

Hinckley & Bosworth Borough Council will not tolerate persistent anti-social behaviour or nuisance caused by its tenants. There are a number of measures the council would look to take in line with the incremental approach to ensure that those tenants causing anti-social behaviour are effectively dealt with.

### Possession proceedings

In some circumstances, a tenant will continue to cause anti-social behaviour despite warnings and other interventions. In these rare circumstances the council may look to take action against a person’s home. Possession proceedings are always a last resort.

### Introductory tenancies

In some circumstances the council will take action to either extend an introductory tenancy or end an introductory tenancy due to reports of anti-social behaviour caused by its tenant.

### Demoted tenancies

In some circumstances the council will look to demote a tenant(s) security of tenure to introductory status if they are responsible for anti-social behaviour occurring at their address.

### Mandatory route for possession

In some circumstances Hinckley & Bosworth Borough Council may look to commence possession proceedings against a person’s home under the mandatory route when other measures within the incremental approach have not been taken. These circumstances include circumstances in which one of the following conditions is met, although the council reserves the right to use discretion on a case by case basis:

**Condition 1** - Conviction of serious offence

**Condition 2** - Breach of an ASB injunction – the tenant or person residing with or visiting the property has breached an ASB injunction.  The breach complained of must occur in the locality of the property or elsewhere if the affected person resides in the locality or the breach complained of is against an employee of the landlord in connection with or directly or indirectly related to or affecting the landlords housing management function.

**Condition 3** – Breach of Criminal Behaviour Order

**Condition 4** – Where the premises are the subject to a closure order and has been closed for more than 48 hours

**Condition 5** - Conviction of tenant, member of their household or a visitor to the property for breach of a noise abatement notice under the statutory nuisance regime

## 8. The community trigger (ASB case review)

If a victim or complainant is unsatisfied with the response of an ASB complaint, a Community Trigger (ASB case review) can be raised. Please refer to the ‘Leicester, Leicestershire and Rutland Anti-Social Behaviour Case Review-‘Community Trigger’ Policy October 2021’.

## 9. Customer satisfaction

Hinckley & Bosworth Borough Council is committed to providing an effective service to our customers. As such, all of our customers have the opportunity to feedback on the service they received from us. The information gained forms part of our continuous service improvement.

## 10. Support for victims and witnesses of anti-social behaviour

We recognise that being a witness or victim of anti-social can be hugely upsetting and distressing. As such, anybody reporting a new complaint of anti-social behaviour can expect the following response:

* To be treated with respect
* To have a response from an officer within 3 working days (This is extended to 5 working days in busy periods)
* To have regular updates regarding their case
* To keep their complaint confidential if they chose
* To be informed about the way their complaint is dealt with
* To have access to other victim and witness support services

## 11. Support for our tenants- Management moves

In some circumstances a managed move for a victim or witness of anti-social behaviour may be considered. The decision on whether or not to move a tenant will be taken on a case by case basis and will be determined by the ASB and Tenancy Manager or the Head of Housing, in accordance with the Allocations Policy.

## 12. Support for vulnerable people causing anti-social behaviour

We recognise the need to support residents who, from time to time, have difficulty in managing their tenancy because of mental health concerns, learning disabilities, physical disabilities, substance misuse or other factors. Through the Endeavour Team, Hinckley & Bosworth Borough Council works in partnership to ensure that vulnerable members of our communities receive support tailored to their individual needs.

Investigating Officers will make referrals to other council departments or external agencies as appropriate in the course of their investigation. Any referrals made will involve the Investigating Officer seeking consent from the individual concerned, unless there is an overriding safeguarding concern in relation to a vulnerable adult or child.

## 13. Education

We believe that education is key to preventing and reducing anti-social behaviour across our Borough. As such, the Endeavour team has established good links with all school providers to ensure that students receive regular information about the consequences of anti-social behaviour and the impact it can have on both the person and the community. Throughout the year, other information about what anti-social behaviour is and its consequences is disseminated to neighbourhoods within our Borough.

## 14. Equality and diversity commitment

The Equality Duty (Equality Act 2010) ensures that public bodies consider the needs of all individuals in their day to day work and functions. It is expected that each of the partners within the Endeavour Team are committed to ensuring fairness and accessibility for all and that they take the following general public duties very seriously:

* Eliminate discrimination, harassment, victimisation and other conduct that is unlawful under the Act
* Advance equality of opportunity between people who share a protected characteristic (see below) and those who do not
* Foster good relations between persons who share a protected characteristic and those who do not

It is expected that all partners pay due regard to the nine protected characteristics:

* Age
* Gender
* Gender re-assignment
* Disability (including physical disability, learning disability, mental health and long-term illness)
* Ethnicity & Race
* Sexual orientation
* Religion & belief
* Marital status & civil partnership
* Pregnancy & maternity