



AGENDA ITEM: 5(d)

CABINET: 10 NOVEMBER 2015

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor K Wright

**Contact for further information: Mr A Hill (Extn. 5243)
(E-mail: a.hill@westlancs.gov.uk)**

SUBJECT: REVISED ANTI-SOCIAL BEHAVIOUR POLICY

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval for a revised Anti-Social Behaviour (ASB) policy

2.0 RECOMMENDATIONS

2.1 That the ASB policy, included as appendix 1, be approved

2.2 That the Assistant Director Community Services, in consultation with the relevant Portfolio Holder, be granted delegated authority to approve any future minor changes to the policy that do not affect service delivery.

3.0 BACKGROUND

3.1 Section 12 of the Anti-Social Behaviour Act 2003 required Local Authorities to produce and update an Anti-Social Behaviour Policy. As such the Council produced its first policy in 2003. This policy was revised in both 2010 and 2013.

3.2 The Anti-Social Behaviour, Crime and Policing Act 2014 streamlined and amended the existing legislation in relation to ASB. Full details of the changes to the legislation were contained in a report to Council in September 2014. In

addition, an update on the legislation was provided via a Member's Update in October of this year.

4.0 CURRENT POSITION

- 4.1 As a result of the recent new legislation there was a need to further revise our ASB policy. Previously, it had not been thought necessary to formally adopt the policy, however, adopting policies is seen as good practice and should the Local Government Ombudsman ever investigate a complaint made to them, they would look for evidence of a policy and compliance with it.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The effective resolution of ASB problems can lead to improved mental health and a reduction in stress levels of the individuals concerned.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no significant financial or resource implications arising from this report.

7.0 RISK ASSESSMENT

- 7.1 The Council has a statutory duty to respond to ASB complaints and the possession of an ASB Policy should ensure that complaints are dealt with effectively and consistently.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 2 to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

1. ASB Policy
2. Equality Impact Assessment



2015 Anti-Social Behaviour Policy

Contents

<u>Anti-Social Behaviour Policy</u>	1
<u>1.</u> Overview	1
<u>2.</u> What is anti-social behaviour?	2
<u>3.</u> What does this mean to you?	3
<u>4.</u> Tenant responsibility	3
<u>5.</u> Multi-Agency Partnership Working.....	3
<u>6.</u> The Community Trigger	4
<u>7.</u> Tenancy Enforcement	4
<u>8.</u> Equality and Diversity.....	6
<u>9.</u> Publicity.....	6
<u>10.</u> Domestic Violence and Abuse	7
<u>11.</u> Who to report anti-social behaviour to	7
<u>12.</u> Useful contact details	8

1. Overview

West Lancashire Borough Council is committed to tackling anti-social behaviour, crime and disorder. We take all reports of anti-social behaviour seriously through our Estate Management and Tenant Participation team who refer unresolved or prolonged cases to our dedicated Anti-Social Behaviour Unit (ASBU).

The Council's overarching aim is to ensure that all of our tenants and residents enjoy a quality of life that is unhindered by the small minority of people who fail to recognise their obligations to their neighbours and to the wider community. The Council is committed to putting the needs of victims and the community first and utilising the tools and powers available including the Anti-Social Behaviour, Crime and Policing Act 2014. This sets out a new approach for local authorities, Police Forces and Crime Commissioners to deal with anti-social behaviour, crime and community safety.

2. What is anti-social behaviour?

Anti-social behaviour is defined in law as behaviour which is either capable of causing a nuisance or annoyance or behaviour which is likely to cause harassment, alarm or distress to someone.

Some examples of anti-social behaviour include:-

- Harassing and intimidating people
- Damage to property (graffiti, vandalism or arson)
- Causing noise nuisance
- Threatening violence towards someone
- Physical assault and violent behaviour
- Hate behaviour
- Domestic Abuse
- Being verbally abusive and aggressive towards people
- Drug dealing or cultivating drugs
- Committing criminal offences in the locality of the tenanted property

Anti-social behaviour does not just make life unpleasant. It holds back the regeneration of areas and creates an environment where more serious crime can take hold. We know that if you suffer from anti-social behaviour it can have a big impact on your quality of life, which is why here in West Lancashire we are committed to following the new Government approach of tackling it.

Other types of reports which are generally categorised as community or environmental include and which will be investigated by the Council's Environmental Protection Service include:

- Animals/pets causing a nuisance
- Fly tipping / littering
- Untidy gardens
- Loud music / noise coming from a premises
- Dog fouling in communal areas
- Running a business from a tenanted property (including vehicle repairs)

3. What does this mean to you?

In demonstrating our commitment to tackling anti-social behaviour in our communities, we will ensure that:

- All tenants are made aware of their responsibilities under their Tenancy Agreement in regard to their behaviour, and that of their household and visitors. Tenants who act or allow, incite or permit others to act anti-socially in the locality of their home risk strong enforcement action which could take away their liberty or risk their home.
- All reports of anti-social behaviour and nuisance will be responded to within the Council's Corporate Customer Standards: (<http://www.westlancs.gov.uk/about-the-council/spending,-strategies,-performance/service-standards/corporate-service-standards.aspx>).
- Following receipt of a report of anti-social behaviour, the report will be investigated by an allocated officer.
- The investigating officer will investigate the report using a variety of tools and powers available to them.
- If the anti-social behaviour remains unresolved after 3 months, or is so serious that it is deemed to be dealt with immediately, the matter will be referred to the specialised Anti-Social Behaviour Unit.
- The Anti-Social Behaviour Unit will inform all parties of the investigations taking place, unless the matter is so serious that legal action is instigated without prior notification.
- All parties will be kept up-to-date about the progress of a case and notified when the case is closed.

4. Tenant responsibility

West Lancashire Borough Council's Tenancy Agreement states that everyone has the right to live their life in the way in which they want. From time to time, however, the way in which some people live their lives upsets their neighbours. Whilst we expect good neighbours to tolerate and understand different lifestyles and not report every slamming door and argument to the Council, Section 4 of the Tenancy Agreement sets out certain things you must not do whilst living in your property. Any reports of people causing harassment, alarm or distress to others will be treated seriously. If we believe that the right way to resolve the issue is via the Courts then we will do so and perpetrators of anti-social behaviour could be evicted or have sanctions placed upon them by Court which place prohibitions on their conduct.

We will use a wide range of tools to tackle anti-social behaviour comprising of non legal and legal actions. The type of action to be taken will be considered on a case by case basis, taking all of the relevant circumstances into account.

5. Multi-Agency Partnership Working

The Council recognises that sometimes responsibility for tackling anti-social behaviour needs to be shared between other partner agencies. We work closely with our partner agencies including but not limited to Lancashire Constabulary, Lancashire Fire & Rescue Service, Lancashire County Council (Youth Offending Teams and Social Care), West Lancashire Clinical Commissioning Group and Lancashire Probation to reduce anti-social and nuisance behaviour. Working together, these agencies combine resources and information to tackle crime and disorder in West Lancashire. Information is shared at regular strategy meetings as well as between Officers on a day-to-day basis. We also attend quarterly meetings coordinated by the Community Safety Partnership.

6. The Community Trigger

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced the "Community Trigger" which is designed to give victims and communities a greater say in the way anti-social behaviour is dealt with. If you, or someone you are acting on behalf of, have reported 3 separate incidents within the last 6 months to agencies including the Council or the Police and feel the matter has not been appropriately dealt with, you may choose to request an impartial review of your case. For further details please visit (<http://www.westlancs.gov.uk/more/community-safety/community-trigger>).

7. Tenancy Enforcement and other Tools & Powers

Introductory Tenancies

All new tenants initially sign up to be Introductory and Flexible tenants, a 12-month probationary period after which time tenants may become secure, provided they meet the conditions of their tenancy agreement. Those introductory tenants who fail to comply with the tenancy agreement, on grounds of rent arrears, anti-social behaviour or any other condition may have their tenancy terminated. In exceptional circumstances the introductory period may be extended for a further 6 months. The evidence needed to terminate an introductory tenancy can be much less than in cases for the eviction of a secure tenant providing the Council follows relevant legal procedures. Councils can also apply to "demote" tenancies back to the same status of that of an introductory tenant.

Flexible Tenancies

Once tenants have successfully completed the 12 month introductory probationary period the tenancy will become a Fixed Term Flexible Tenancy. Most Flexible Tenancies are for a 5 year term but can be granted for 2 years in some circumstances. A Flexible Tenancy can only be ended before the expiry date by a County Court Judge granting a possession order. Flexible Tenancies will be reviewed 12 months before they expire and a decision will be made whether to grant a further flexible tenancy or not. If the Council has evidence that the tenant has carried out anti-social behaviour they may not be granted a further tenancy.

Further details about Flexible Tenancies including other reasons a further tenancy may not be granted can be found in West Lancashire Borough Councils Tenure Policy.

<http://www.westlancs.gov.uk/media/100222/wlbc-tenure-policy-2013.pdf>

Secure Tenancies

This is the tenancy which gives tenants the most rights. These are now only given to people who transfer or exchange properties and were Secure or Assured tenants at their previous property before the move took place. A County Court Judge can order immediate, suspended or postponed possession of a council property and the tenant(s) may be evicted and lose their home. This can be a lengthy process, particularly if the Defendant defends the application, and may require a number of Court hearings. In most cases, the Council will need to take witness statements from those affected by the anti-social behaviour and they will usually be required to attend Court. In most cases, an application by the Council to evict a tenant is the last resort to resolve anti-social behaviour however the Council will apply for possession of a property if it is deemed proportionate, or if the behaviour of the tenant or anyone living with or visiting the tenant has been so serious that an application for possession is deemed to be the most suitable remedy.

Injunctions

Injunctions prohibit the perpetrator of anti-social behaviour from engaging in certain behaviour cited in the order. The new civil injunction is issued by the County or High Court for over 18's or in the Youth Court for under 18's. They are designed to stop individuals from engaging in anti-social behaviour quickly and to prevent issues from escalating. Some injunctions can exclude the person from a specific place, including their own home. Injunctions can include positive requirements to address underlying causes of anti-social behaviour. They can also include a power of arrest on one or more clauses within the order. Most injunctions will be applied for "on notice" however where necessary a "without notice" injunction will be applied for. As with most applications to Court, witness statements will be taken from those being affected by the anti-social behaviour, and in most cases, witnesses will be required to attend Court.

Criminal Behaviour Orders (CBOs)

CBOs are designed to tackle the most persistent perpetrators of anti-social behaviour who are also engaged in criminal activity. CBOs are applied for by the Crown Prosecution Service (CPS) in the Criminal Court at the request of the Police or the Council. The Court must be satisfied beyond reasonable doubt that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person, and that the CBO will prevent the offender from engaging in such behaviour in future. The anti-social behaviour does not have to be part of the criminal offence. A CBO can include prohibitions as well as positive requirements and breach of a CBO is a criminal offence that can result in a conviction of up to 5 years or a fine, or both.

Community Protection Notice

The Council can issue a Community Protection Notice (CPN) to stop any person over the age of 16, business or organisation from committing anti-social behaviour that spoils the quality of life of the community. The CPN is designed to tackle behaviour that has a detrimental effect on the quality of life of those in the locality, and behaviour that is both unreasonable and persistent. A written warning must be issued prior to the CPN. Breach of a CPN is a criminal offence which can result in a fixed penalty notice of up to £100, or a fine of up to £20,000 for businesses.

Closure Power

Closure powers allow the Police or Council to temporarily close premises which are being used, or likely to be used, to commit nuisance or disorder. They are not a short cut to eviction. A Closure Notice can be issued, closing the property for up to 48 hours. With every issue of a Closure Notice, an application must be made to the Court for a Closure Order which can close the property down for a period of up to 6 months. The Notice / Order can cover land or other places including residential, business, non-business and licensed premises. Breaches of both Closure Notices and Orders can constitute a criminal offence so a conviction will require evidence to the criminal standard of proof.

"Absolute" Ground for Possession

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a new absolute ground for possession of secure tenancies where anti-social behaviour or criminality has already been proven in another Court. This enables the Council to evict the most anti-social of tenants quickly, providing fast relief to victims. The tenant, a member of the tenant's household or a person visiting the property must have been convicted of a serious offence, found by a Court to have breached a civil injunction, convicted of breaching a Criminal Behaviour Order or noise abatement notice; or the tenant's property has been closed for more than 48 hours under a Closure Order. The offence or breach must have occurred in the locality of the property or have affected someone with

a right to live in the locality, or affected the landlord and / or staff or contractors.

8. Equality and Diversity

West Lancashire Borough Council is an equal opportunities organisation. Our approach to equality recognises that people who provide and use our services come from diverse backgrounds and have different experiences and needs. We value this diversity and the ways in which it contributes to the richness of life and character of our community.

We will develop, commission and deliver services in a way that will help to overcome discrimination and disadvantage. We want every resident and visitor to West Lancashire to be treated fairly and with dignity regardless of age, gender, disability, race, belief and sexual orientation and with respect to their marriage and civil partnership, pregnancy and maternity or gender reassignment status. We will use our position and influence to promote equality in all aspects of community life.

We will regularly monitor and report on the progress we make in addressing discrimination and disadvantage in our borough and this progress will be evaluated regularly by our senior managers and elected members.

One of our corporate Equality Objectives relates to the management of anti-social behaviour and this is detailed below:

Equality objective: to support the work of the Local Priorities Group in addressing the causes and effects of ASB by:

- understanding who is most vulnerable to becoming a victim of ASB and developing strategies with them to remove or limit this risk
- understanding who is least likely to report ASB or seek help and take action to improve their confidence and address their concerns
- building on the ASBRAC framework, which identifies at risk young people, with a programme of targeted interventions that reflect their specific needs
- supporting the Well Being, Prevention & Early Help Service, in particular reducing the impact of ASB offending behaviour on wider family outcomes

This is a clear 'doorstep' priority – it impacts on the quality of life for many of our citizens and has a disproportionate effect on those who are vulnerable. There are clear indicators that those committing offences, often at a young age, are themselves in danger of falling into a cycle of behaviour that results in poor life experiences. This is the area of work where WLBC leads on behalf of the Community Safety Partnership

We are committed to treating the residents of West Lancashire fairly and state that the services we provide will be readily accessible to all groups of people without discrimination. We also assess each case referred to the Anti-Social Behaviour Unit under the Equality Act 2010.

9. Publicity

West Lancashire Borough Council wants Council tenants and the wider community to be aware of successful legal actions we have taken to counteract anti-social behaviour. Unless the Court orders against publicity the Council will generally publicise successful

Possession applications, Civil Injunctions and, where necessary in collaboration with Lancashire Constabulary, Criminal Behaviour Orders. We hope that publicising successful outcomes will encourage local people to know about the orders and help to enforce them; reassure the public about safety in their community; increase the confidence of the public in the Council and Police's ability to work together; act as a deterrent to the perpetrator; reassure people reporting anti-social behaviour and the wider community that successful action is being taken to tackle anti-social behaviour. In each case, the Anti-Social Behaviour Unit will consider whether the publicity is necessary. We will also consider the human rights of the public and the human rights of the perpetrator, what the publicity should look like and whether the publicity is proportionate.

10. Domestic Violence and Abuse

If you, or someone you know, is suffering from domestic abuse, you can contact the Liberty Centre – (formerly known as the Domestic Violence Support Service or the West Lancashire Women's Refuge) on their free confidential 24 hour helpline number 0808 100 3062. You can also ring 01695 50600. If you are in immediate danger, you should dial 999 and ask for the emergency services. Housing and Anti-Social Behaviour Officers at West Lancashire Borough Council are trained to signpost victims (or potential victims) of domestic abuse to appropriate support services. Officers carry contact cards that contain information about support services at all times when carrying out duties in the community that can be distributed or requested by any person coming into contact with the Officers. In some cases, Officers can refer consenting victims of domestic abuse to appropriate support services.

11. Who should you report anti-social behaviour to

If you feel unsafe, in danger or you feel at risk that you or members of your family may be harmed, or have had a criminal act perpetrated against you or your home, our advice is always to telephone the Police. West Lancashire Borough Council work closely with the Police to combat anti-social behaviour and often takes a joint approach in resolving such matters, in particular where criminal offences are suspected or proved. Contact details for the police are included at the end of this guide.

If the person causing the nuisance is a council tenant, or is living with or visiting a council tenant, you should contact the Council's Estate Management and Tenant Participation Team via email at emt@westlancs.gov.uk. The Housing Officer responsible for the area in which you live will investigate the complaint. Please note that the Estate Management Team do not deal with complaints between private tenants or owner-occupiers.

If you witness a crime being committed you should dial 999. You can also ring the Police non-emergency number on 101.

If you have information about crime, or criminals, then contact Crimestoppers at crimestoppers-uk.org or telephone them on 0800 555 111. You can remain anonymous.

We can provide this information on audiotape, CD, large print, Braille, and in other languages as appropriate on request. Visit our website at <http://www.westlancs.gov.uk/about-the-council/contact-us/how-would-you-like-to-access-information.aspx> or ring us on 01695 577177.

12. Useful Contacts

Council Numbers:

West Lancashire Borough Council's (WLBC) Customer Services:	01695 577177
WLBC Estate Management & Tenant Participation Team:	01695 585357
WLBC Housing Options Team:	01695 585271
WLBC Voids and Allocations:	01695 585297
WLBC Rent and Recovery Advice:	01695 585252

For the Council's Environmental Protection Section, please use the Customer Services number and you will be directed to the appropriate officers.

www.westlancsdc.gov.uk

Police:

Emergencies	999
Lancashire Constabulary – Non-emergencies	101

www.lancashire.police.uk

Crime Stoppers - to report crime anonymously 0800 555 111
<http://www.crimestoppers-uk.org/>

Independent agencies:

Citizens Advice Bureau: for free, independent and confidential advice 01772 424282
www.citizensadvice.org.uk

Domestic Violence: 24 Hour helpline 0808 100 3062

Victim Support: Helping people cope with crime 01257 246229
<http://www.victimsupport.org.uk/>

Calico Practical support, help and guidance 0800 169 2407

Equality Impact Assessment Form



Equality Impact Assessment Form	
Directorate: People and Places	Service: Environmental Protection and Community Safety
Completed by: Andrew Hill	Date: 9.10.15
Subject Title: ASB Policy	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes
Details of the matter under consideration:	Updating/revising of the Council's ASB Policy.
<i>If you answered Yes to any of the above go straight to Section 3</i>	
<i>If you answered No to all the above please complete Section 2</i>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	People who make complaints to the Council
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	No

Which of the protected characteristics are most relevant to the work being carried out?	
Age	Yes
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	Yes
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	People affected by ASB can complain to the Council
What will the impact of the work being carried out be on usage/the stakeholders?	It documents our consistent approach to ASB complaints.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Very little dissatisfaction with the service is expressed, compared to the numbers of complaints made.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	none
If any further data/consultation is needed and is to be gathered, please specify:	n/a
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	The revised document details how complaints are dealt with and how to make them.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	The resolution of complaints is a positive outcome
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	2017 – Environmental Protection and Community Safety Manager