

# Appendix 1



## Anti-Social Behaviour Policy

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## 1.0 Introduction

- 1.1 This Policy sets out how West Lancashire Borough Council (the Council) investigates and responds to reports about anti-social behaviour (ASB) relating to residents in the Council's housing stock, what constitutes ASB; how we work with partners to seek an effective resolution; and how we aim to support reporters and deal with subjects, in line with the effective use of legal tools at our disposal and in conjunction with our tenancy agreements.
- 1.2 The Council aims to: minimise the impact of anti-social behaviour on neighbours and the local community and engage in early intervention and prevention strategies to help tenants sustain their tenancy whenever possible.
- 1.3 The language in this policy will refer to Report, Reporter and Subject. Please see explanation of each one below.

**Report** – Is a report of ASB.

**Reporter** – Is the person reporting the ASB incident.

**Subject** – is the person alleged to be causing the ASB.

## 2.0 Definition of ASB

- 2.1 The Anti-social Behaviour, Crime and Policing Act 2014 Section2(1) defines **anti-social behaviour** as:
- conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person,
  - conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
  - conduct capable of causing housing-related nuisance or annoyance to any person.

## 3.0 Multi-Agency Partnership Working

- 3.1 The Council recognises that sometimes responsibility for tackling anti-social behaviour needs to be shared between with partner agencies.
- 3.2 West Lancashire Community Safety Partnership is committed to multi agency problem solving. The Borough Council is the lead agency, and we work closely with our partner agencies including but not limited to Lancashire Constabulary, Lancashire Fire & Rescue Service, Lancashire County Council), Lancashire and Cumbria Integrated Care Partnership and the Probation Service to reduce anti-social and nuisance behaviour. Working together, these agencies combine resources and share information to tackle crime and disorder, including serious ASB in West Lancashire

## 4.0 Policy Statement

- 4.1 The Council believes that everyone has the right to quietly enjoy their home and live without interference, in peace, free from the fear of threat of intimidation, harassment, or abuse of any kind. We promote the view that individuals have the right to their chosen lifestyle providing it does not impact adversely or spoil the quality of life of others.
- 4.2 We are committed to tackling all forms of anti-social behaviour. We will take positive action, working closely with local partnerships and multi-agencies, taking a collaborative approach to tackling ASB.
- 4.3 The health and safety of our tenants, leaseholders and our colleagues are always our main priority. All tenants and residents who wish to report an incident of ASB will be assessed for their risk and vulnerability. This will decide what further controlled measures may need to be taken.
- 4.4 We are also working to give people and communities the confidence and ability to make sure they have a good quality of life. A significant part of this work is to encourage people suffering from the effects of ASB to report it. In particular:

We will allow ASB to be reported in different ways, including in person, in writing, over the telephone and online. Reports can be made to any member of West Lancashire Borough Council staff.

We will:

- contact you within 1 working day for urgent cases and within 5 working days for non-urgent cases.
- put an officer in charge of each case and give you the officer's details.
- agree an 'action plan' with you and agree how often you would like to be updated on the case.
- review cases at least once a month (but we will usually close cases after three months if they have been dealt with or the ASB does not happen again).
- risk assess every report at the beginning of a case.
- interview the person who is said to have behaved in an anti-social manner, in a way that does not put you, other residents or our staff, contractors or partners at risk.

- look for other ways of obtaining evidence, for example using CCTV noise monitoring equipment from our Environmental Enforcement Team and the Noise App.
  - keep you up to date on the progress we are making and confirm all developments and update you in the way you want.
  - analyse reports of ASB to see if there are any patterns to the behaviour, then decide on aims and work with partners to deal with the issues we have found.
- 4.5 The Council is not an emergency response service. Serious cases of ASB where there is actual, or an immediate risk of harm to person or property, should be reported to the Police or other appropriate emergency service by dialling 999/101.
- 4.6 We will seek to refer tenants to relevant support services where required, to ensure the appropriate level of support can be provided. Where a safeguarding concern is raised we will assess what is the most appropriate action to take and liaise with Lancashire County Council and the Police, if necessary.
- 4.7 We will ensure all reporters are treated in a fair, equitable and consistent manner and we consider the needs and vulnerabilities of our reporters when we respond, investigate, or take enforcement action during the management of ASB reports.
- 4.8 We will use a range of interventions (for example Mediation, Acceptable Behaviour Agreements and warning letters, this list is not exhaustive) to deter or prevent ASB and where appropriate take legal action such as civil injunctions, and possession proceedings.
- 4.9 We will ensure that staff are well-trained, have the knowledge and confidence to identify and investigate incidents/reports of ASB.
- 4.10 We recognise that not everything can be deemed to be anti-social behaviour despite it being perceived as such and intervention from the Council is not the best solution. Residents should understand that the most effective resolution is often for neighbours to resolve these disputes locally and amicably between themselves. This course of action, whenever appropriate, will be encouraged and advice and guidance can be provided.
- 4.11 We will assess each case on the information available and the actions taken will be proportionate and bespoke to the circumstances of each case. Typically, the Council will use informal methods to try and resolve a report of ASB in the first instance. However, in priority cases, such as when there has been a threat of violence, legal action may be the first course of action.
- 4.12 During the course of an investigation, there may be a number of reasons why the Council cannot take action. These reasons may include:
- Establishing that the incident did not happen.

- Not having enough evidence to prove the matter to the relevant standard of proof.
- Finding the issues reported are not what we consider anti-social.
- Not being able to investigate fully due to non-cooperation of the reporter/witness.
- The ASB has stopped and the likelihood of further ASB is minimal.

The reporter will be notified at the earliest opportunity if we determine that we cannot take action and we will close the case.

## **5.0 Data Protecting and Information Sharing**

- 5.1 The Council is committed to ensuring customer confidentiality.
- 5.2 We are fully compliant with the General Data Protection Regulations 2018 (GDPR) around data processing.
- 5.3 We carry out a DPIA (Data Protection Impact Assessment) to assess the impact of envisaged processing operations on the protection of personal data.
- 5.4 We are experienced in processing sensitive personal data, and we have robust procedures in place for the gathering and recording of consent for processing this information and disclosure.
- 5.5 Although we aim to gain consent prior to any information sharing, there may be instances where we have a statutory duty to share information without consent for example where children are at risk.

## **6.0 Support for Victims and Witnesses**

To minimise the impact to individuals, households and the wider community, the Council will aim to respond quickly and effectively.

We will:

- respond sensitively to victims and witnesses of anti-social behaviour.
- we will adopt a high standard of confidentiality.
- we will complete a risk assessment and put in place any measures identified as required, such as door and window locks.
- we will adopt a victim-centred approach in responding to harassment and hate crime.
- we will agree an action plan and refer to and work with appropriate agencies where extra support needs are identified.
- we will provide support for any court appearances.
- we will signpost you to any agencies such as [Victim and witness services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/victim-support-division)

## **7.0 Support for Subjects**

The Council will offer support to subjects, where necessary and appropriate, to help them make the changes necessary to prevent a re-occurrence of the ASB and to help sustain their tenancy. This will be done with the support of other agencies if needed.

## **8.0 Community Trigger**

The Community Trigger is a process which allows residents to ask the Community Safety Partnership to review the responses to their reports of antisocial behaviour.

The trigger may be used if you believe we have not responded to your reports. It cannot be used to report general crime or ASB. Further information can be found on the Council's website.

## **9.0 Equal Opportunities**

- 9.1 The Council is an equal opportunities organisation.
- 9.2 Our approach to equality recognises that people who provide and use our services come from diverse backgrounds and have different experiences and needs.
- 9.3 We are fully committed to promoting equal opportunities and aim to provide services that are fair and that everyone can access.
- 9.4 As a service provided by a public body, we must also have regard to the Public Sector Equality Duty in relation to all aspects of our Housing Service.
- 9.5 We value the differences in the communities we serve and recognise that groups and individuals may be excluded or suffer because of their ethnic background, religion, sex, age, disability, sexuality, or sexual identity.
- 9.6 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.
- 9.7 We will continually review our procedures and practices to make sure that no individual or group is put at a disadvantage, either directly or indirectly.
- 9.8 We will support reporters who need documents interpreting and translated and assist anyone with disabilities or literacy challenges who require additional or alternative support.

## **10.0 Publicity**

- 10.1 The Council wants tenants and the wider community to be aware of successful legal actions we have taken to counteract anti-social behaviour.
- 10.2 Unless the Court orders against publicity, the Council will publicise successful possession applications, civil injunctions and where necessary in collaboration with Lancashire Constabulary, criminal behaviour orders, where appropriate.
- 10.3 By publicising successful outcomes, our aim is to ensure that local people are fully aware of these legal actions and help to appropriately enforce them; reassure the public about safety in their community; increase the confidence of the public in the council and the Police's ability to work together, act as a deterrent to the subject; reassure people reporting anti-social behaviour and the wider community that successful action is being taken.
- 10.4 In every case the Anti-Social Behaviour Team will consider whether the publicity is necessary. We will also consider the human rights of the public and the human rights of the subject, what the publicity should look like and whether the publicity is proportionate.

## **11.0 Our Approach**

- 11.1 In writing this policy we have carried out assessments to ensure we are considering:
- Privacy and Data Protection
  - Equality, Diversity, and Inclusion
- 11.2 We will meet our legal obligations under the following legislation (this is not an exhaustive list).
- ASB Crime and Policing Act 2014
  - Housing Acts 1985 and 1996
  - Crime and Disorder Act 1998
  - Serious and Organised Crime Strategy 2018
  - Housing Act 2004
  - Equality Act 2010
  - Serious Violence Strategy 2018
  - Environmental Protection Act 1990
  - Race Relations Act 1976
  - Human Rights Act 1998
  - Data Protection Act 1998

## 12.0 Version Control

Date	Amendment	Version