

Report to: Building Stronger Communities Scrutiny Committee
Cabinet

Date: 1st June 2009 18th June 2009

Subject: Anti Social Behaviour Policy and Procedure

Report of: Executive Director - Environmental Services

Contact officer: Ian Harrison 01942 827915

Purpose / summary: To seek approval for the adoption of the Councils Anti Social Behaviour Policy and to inform members of the procedure in place to deliver the policy

Alternative options considered and reason for selecting the one recommended: The alternative is not to adopt a policy. The adoption of the policy will provide a framework and focus to dealing with the problem of anti social behaviour

Recommendation / decision:

1. Cabinet – approves adoption of the policy and the supporting procedure
2. Building Stronger Communities Scrutiny Committee – views on the procedure are invited

Key Decision: This report involves a key decision within ground(s) 1.

The decision made as a result of this report will be published within **48 hours** and cannot be actioned until **seven working days** have elapsed, i.e. before 30th June

This item was included in the Forward Plan when initially reported to Cabinet on 2nd April who referred it for further consultation.

Risks / Implications:

Financial: N/A
 Staffing: N/A
 Policy:
 Equal Opportunities - Has a Diversity Impact Assessment been conducted? No necessary at this stage
 Wards affected: All

Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

If yes, have the property implications been agreed with the Corporate Property Officer?

Does this proposal have significant implications for the Council and the local population?

A diversity impact assessment is not necessary at this stage however, equality and diversity implications have been considered when producing this report.

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

A diversity impact assessment has been undertaken previously.

Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution? **No ***

Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget? **No ***

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No ***

* delete which applicable

For Cabinet reports only :

Categorisation of the report:	X
Discussion leading to a decision	
Monitoring	
Sharing for corporate understanding	

	X
Discussion	
Decision	X
Information	

Tracking/Process:

	Consultation	Ward Members	Partners
			GMP, GMRFS

			All other CDRP Partners, WLAH Tenants Forums, Feb – June 2009
Panel	Overview & Scrutiny	Cabinet	Council
Building Stronger Communities Committee 1 June 2009		18 th June 2009	

There are no Background Papers to this Report within the meaning of Section 100D of the Local Government Act 1972.

Proper Officer Martin Kimber

Date 20 May 2009

1. Background

- 1.1** The Crime and Disorder Act 1998 places a statutory duty on Local Authorities, Police and Fire and Rescue Authorities and other partners to work together to tackle crime and disorder and the fear of crime. This is supported by guidance from the Home Office which indicates the partnership response to anti social behaviour should be evidence based and include prevention, enforcement and rehabilitation elements.
- 1.2** Anti Social Behaviour (ASB) can blight those communities who are affected by it and it is a consistent concern highlighted by residents of Wigan and Leigh over recent years. The issue continues to be regularly raised as a problem as we engage with our communities in different ways through the PACT process.
- 1.3** The Council and its partners have, and continue to put considerable effort into reducing the impact of anti social behaviour with some significant and notable success. However it may not always be clear to members of the public what public services are committed to doing to deal with the issue.
- 1.4** Furthermore the Anti Social Behaviour Act 2003 requires local housing authorities to publish a policy outlining its general approach to ASB which should include specifics. For example, these could relate to a commitment to eradicating ASB, support for witnesses of ASB, racial harassment, domestic violence, multi agency partnerships and the use of available legal remedies.
- 1.5** At its meeting of 2nd April 2009 Cabinet considered the draft Anti Social Behaviour policy document which they endorsed for further consultation. The policy document attached at Appendix A has been circulated for consultation as required by Cabinet and amendments made as appropriate.

2. Proposals:

- 2.1** As we have been changing and developing partnership practices around locality working the ASB policies and process designed for former ways of working have become inadequate. These need to be simplified and redesigned to provide an effective approach which can be fully understood by residents of the Borough, in particular those who are victims of ASB, and partner agencies alike.
- 2.2** The policy aims to clearly set out the Councils approach to dealing with ASB by indicating the types of behaviour which constitutes ASB together with those which do not. It also clearly states our commitment to providing an accessible and effective service which will encourage all residents of the Borough to report incidents.
- 2.3** All ASB complaints made to the Council will be dealt with by the Environmental Services, Neighbourhood Services Division, Neighbourhood Teams. Issues will be addressed in accordance with the associated anti social behaviour procedure attached at Appendix B which will be published on the Council's web site. This document sets out service standards in respect of timeliness and the pathways which will be followed to resolve issues.

2.4 A key aim is to have clarity, transparency and simplicity wherever possible. Whilst the overall aim of the Neighbourhood Teams in this regard is to stop the anti social behaviour by working with a range of partners who together make up the Building Stronger Communities Partnership.

3 Conclusions:

3.1 The adoption of the policy together with the associated procedure will provide a framework for the Council and its partners to deal with anti social behaviour and provide clarity to residents of the Borough about the service they can expect.

Extract of the minutes of the Building Stronger Communities Scrutiny Committee held on Monday 1 June 2009.

3 Anti-Social Behaviour Policy and Procedure: The Committee considered a report, which sought Cabinet approval for the adoption of the Council's Anti Social Behaviour Policy and which informed Members of the procedure in place to deliver the policy. The report set out the key aims of the policy, notably, transparency and simplicity wherever possible. The overall aim of the Neighbourhood Teams, in this regard, was to stop the anti social behaviour by working with a range of partners who together made up the Building Stronger Communities Partnership.

Members asked a number of questions and made comments which included the following salient points:-

- Why was the onus on the complainant to return diary sheets within 14 days?
- Pre-paid envelopes may assist in the returning of diary sheets.
- Did officers or lead agencies take a pro-active approach in dealing with complaints by making contact with the complainant and recovering diary sheets?
- What were the costs and implications of using professional witnesses?
- Could sample warning letters be made available to the committee?
- Could ongoing six monthly reports be brought to Committee?
- Would it be appropriate for a Select Committee to look at any issues surrounding professional witnesses?
- Would it be appropriate for a Select Committee to look at concerns surrounding drug and alcohol interventions?
- Would it be appropriate for this Committee to be involved with the delivery of the Alcohol Policy?
- Were arrangements in place to deal with dangerous animals?

The Executive Director of Environmental Services, Martin Kimber, advised that pre-paid envelopes would be considered as a means of returning diary sheets to the department and assured the Committee that it was the Officers' duty to pursue recovery of diary sheets within the allotted period. On the issues surrounding professional witnesses, the Executive Director advised the Committee that professional witnesses were employed through an agency only after careful balanced judgement surrounding the issues to be resolved. They were expensive and therefore used in extreme, complex cases - usually where the safety of non-professional witnesses could not be guaranteed.

Furthermore, he advised the Committee that sample warning letters would be emailed to all Members of this Committee showing the different levels of warning adopted by the department. The Chief Executive of Wigan and Leigh Housing, Ashley Crumbly, added that recently revised clauses in the tenancy agreement dealt with issues of dangerous dogs and other animals.

Resolved: The Committee:-

1. thanks Martin Kimber and Ashley Crumbley for their reports;
2. accepts the report now submitted;
3. endorses the recommendations set out within the report;
4. requests that the policy be reviewed in six months time;
5. requests that a report on performance be submitted in six months time;

6. requests that any data provided to this Committee reflects the current ward boundaries; and
7. requests that the new Alcohol Strategy and its relation to underage drinking (with a draft action plan) be brought before the Committee at the appropriate time.

Anti-social Behaviour Policy PIER



**Prevention
Intervention
Enforcement
Rehabilitation**

Review date April 2010

1 Purpose of Policy

- 1.1 The purpose of this document is to explain Wigan Council's policy on dealing with anti-social behaviour in Wigan Borough. With the commencement of the Crime and Disorder Act 1998 Local Authorities, Police and Fire and Rescue Authorities have a statutory duty to work together to tackle crime and disorder and the fear of crime. This policy reinforces Home Office guidance around prevention, enforcement and reintegration/rehabilitation. This policy is pursuant to s218A of the Housing Act 1996.

This policy document complements the following existing strategic documents:

Homelessness Strategy, Housing Strategy, Community Safety Strategy, Drugs and Alcohol Strategy, Race and Quality Schemes and Children and Young People's Plan

- 1.2 This Policy relates to the following legislation either directly or indirectly:

- Race Relations Act 1976.
- Housing Act 1985.
- Children Act 1989.
- Environmental Protection Act 1990.
- Statutory Nuisance Act 1993.
- Disability Discrimination Act 1995.
- Housing Act 1996.
- Protection from Harassment Act 1997.
- Crime and Disorder Act 1998.
- Human Rights Act 1998.
- Data Protection Act 1998.
- Local Government Act 1999.
- Race Relations (Amendment Act) 2000.
- Regulation of Investigatory Powers Act 2000
- Freedom of Information Act 2000.
- Homelessness Act 2002.
- Anti-social Behaviour Act 2003
- Children Act 2006
- The Criminal Justice and Immigration Act 2008

2 Approach to anti-social behaviour

- 2.1 Wigan Council endeavours to provide the highest quality service in tackling and dealing with the problems created by anti-social behaviour. Anti-social behaviour committed by a small fraction of the Borough has an immense and damaging impact within communities, local businesses and visitors to the area.

- 2.2 Wigan Council expects its tenants to abide by tenancy agreements and the initial investigations around enforcing tenancy conditions and tackling anti-social behaviour will be undertaken by Wigan and Leigh Housing, who is the Council's managing agent.
- 2.3 Wigan Council will try to resolve disputes between neighbours by encouraging discussion between parties and may use tools such as mediation. Where such solutions are not possible we will support individuals suffering nuisance, harassment and/or anti-social behaviour and may use legal remedies where appropriate following investigations. Support may also include the offer of physical measures
- 2.4 Wigan Council will provide timely appropriate interventions with an emphasis on realistic expectations and outcomes when tackling anti-social behaviour.
- 2.5 Wigan Council will ensure that everyone can access the complaint service irrespective of their age, gender, disability, race or sexuality.
- 2.6 Wigan Council recognises that the effects of anti-social behaviour are wide ranging and diverse and can affect all members of the community not just tenants and often cannot be tackled in isolation. We may, therefore, work in partnership with other agencies to ensure that we use all measures available in a joined up approach. This will also allow Wigan Council to take action, if appropriate, against people in other tenures. This will also ensure that we effectively tackle anti-social behaviour problems and avoid duplication.
- 2.7 Wigan Council will provide an accessible and effective service which encourages all residents of the Borough to report incidents. The policy will allow us to intervene when low level anti social behaviour is identified and remedy this behaviour,. The policy will enable us to reassure residents within our neighbourhoods that when anti social behaviour occurs we will act swiftly and effectively to achieve positive outcomes.

3 Strategic Aims and Outcomes

- 3.1 This policy sets out the Building Stronger Communities Partnership approach in dealing with anti-social behaviour. This partnership has the responsibility to deliver on the headline outcome "a strong community that provides positive activities for all with improved community confidence, participation and cohesion in safe and sustainable neighbourhoods" with the following priorities:

- Improve the cleanliness and greenness of the borough

- Reduce children and young people's involvement in anti-social behaviour and offending
- Improve the range of things to do and accessibility of positive activities for all
- To increase participation in community and cultural activities that improve the well being of individuals and community cohesion
- Reduce drug and alcohol related harm
- Reduce re-offending
- Improve community confidence/perceptions in relation to crime, drugs and environmental issues
- Reduce local priority crime

4 Obligations of tenants

4.1 Wigan Council is clear when it specifies what standards of behaviour are acceptable from our tenants. Tenants sign a legally binding agreement that states that their responsibilities are:

- Not to cause or allow member of the tenant's household or visitors to cause a nuisance or annoyance to neighbours, other residents or visitors
- Not to use the property or permit it to be used for any illegal or immoral purpose
- Not to cause or allow members of the tenant's household or visitors to commit any form of discrimination, harassment or intimidation against neighbours or other residents or visitors because of their age, colour, disability or illness, marital status, occupation, race, religion, sex or sexuality.
- Not to cause or allow members of the tenant's household or visitors to possess or manufacture at the property illegal drugs or substances
- Not to play or allow to be played any radio, television, record, tape or compact disc, musical apparatus or instrument so loudly that it causes a nuisance or annoyance to neighbours.
- To assist and support WALH wherever possible in tackling ASB, by reporting residents who are not complying with the conditions of their tenancy and to work with us to resolve such situations.
- To make sure that pets are kept under control, do not foul the property or common areas and do not cause a nuisance to neighbours
- Not to keep dogs and cats in any dwelling in a building over two storeys high without the Council's written permission
- To obtain the Council's written permission before keeping pigeons, fowl, reptiles, insects, livestock or any other unusual or non-domestic animals
- To keep the interior of the property clean and in a reasonable state of decoration
- To keep the gardens and hedges in a neat and tidy condition and free from rubbish

5 Definition of anti-social behaviour

- 5.1 The type of behaviour that is covered under this policy applies 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 Wigan Council; or
 - Consists of or involves using or threatening to use housing accommodation owned or managed by Wigan Council for an unlawful purpose.
- 5.2 Those persons to whom the conduct may cause annoyance or nuisance include anyone who has a right to live in property owned or managed by Wigan Council, 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, for example working or using local facilities.
- 5.3 The housing management function of Wigan Council covers any activity that we undertake in the day to day and strategic management of our stock. This may include tenant and community participation, maintenance and repairs, rent and rent arrears collection, neighbourhood management and dispute resolution. Issues that indirectly affect the housing management function could be said to include social care and housing support, environmental health and refuse collection, etc which enable the efficient operation of its landlord function.
- 5.4 Types of anti-social behaviour can include but are not limited to the following:
- Noise nuisance (for example loud parties, shouting, noise from TVs, radios, Hi-fi's and burglar alarms)
 - Intimidation and harassment
 - Aggressive and threatening language and behaviour
 - Drug, alcohol and solvent misuse related nuisance
 - Local environmental quality issues (for example litter, dog fouling, graffiti, fly-tipping and nuisance vehicles)
 - Actual violence or threats of violence against people and property
 - Domestic Violence
 - Racial Harassment and/or other Hate related behaviour.

5.5 All complaints of anti-social behaviour will be taken seriously, recorded immediately and investigated thoroughly. In the case of anonymous complaints Wigan Council may find it difficult to take action if the complainant is not willing to give details, however, they will assess on a case by case basis as to whether to investigate or not. We may not deal with minor issues that are considered to be everyday living or minor lifestyle differences rather than anti-social behaviour, such as:

- Children falling out with each other
- People mowing their lawns unless at unreasonable hours
- People carrying out day to day activities in their own home unless at unreasonable hours
- Noise of children playing in their own home
- Children playing ball games in the street unless those playing ball are engaged in other more serious nuisance such as verbal abuse, playing at unreasonable hours or criminal damage.

6 Protection of staff

6.1 Employees of Wigan Council or others not directly employed but who may be employed in connection with the exercise of our housing management functions, may from time to time be threatened, abused or harmed in the course of their normal duties or when specifically tackling anti-social behaviour. Wigan Council will not tolerate violence or abuse against those directly or indirectly employed and has in place the Managing Violence Procedure. Wigan Council may take legal proceedings against anyone exhibiting such behaviour towards those directly or indirectly employed.

7 Making a complaint of anti-social behaviour

7.1 All complaints of anti-social behaviour will be investigated in line with Wigan Council's anti social behaviour procedure and can be reported by telephone on Environmental Services ASB Helpline: on 01942 404021, in writing to: Neighbourhood Teams, Sovereign Road Portacabins, Wilton Street, Wigan WN1 3AE, by email: reportasb@wiganmbc.gov.uk .

8 Dealing with complaints of anti-social behaviour

8.1 Each case will be dealt with on its own merits as to, if appropriate, what action will be taken. In some cases it may be necessary to undertake mediation or the use of early intervention methods such as warning letters, referrals to support agencies, acceptable behaviour contracts, etc. In appropriate cases we will work with partner agencies or other

departments within the Council, for example, the Police, the Youth Offending Team, Primary Care Trust, Wigan and Leigh Housing, Children and Young Peoples Service, Probation Service, etc.

9 Supporting Complainants, Victim and Witnesses

9.1 Wigan Council will support complainants, victims and witnesses by dealing with complaints promptly, keeping them informed of any developments relating to their complaint and referring them to appropriate support services, where necessary. This is crucial when resolving issues, as Wigan Council relies on the full commitment and co-operation of anyone who is suffering from incidents of anti-social behaviour. The speed and success of any action to deal with anti social behaviour is dependent on the full participation of the witnesses involved. Neighbourhood Teams will maintain support in the following way:

- By being clear on how incidents of anti-social behaviour can be reported
- Making reporting channels as simple as possible
- Keeping complainants, victims and witnesses fully informed and involved in the process and if appropriate any legal actions
- Agreeing a plan of action and do everything we reasonably can to provide solutions to stop the problems.
- Arranging for interpreters for people for whom English is not their first Language.
- Explaining each stage of the process in detail to witnesses.
- Providing additional security measures to their home
- Providing support before, during and after Court action, which may include arranging Pre Hearing court visits, arranging transport to and from Court, maintaining contact after a court hearing etc.
- Use of surveillance to gather additional evidence to support a case.
- Liaise with Victim Support and other relevant agencies to provide additional support and/or counselling
- Implementing, where appropriate, restorative justice work in liaison with Youth Offending Team to work with complainants and undertake victim awareness work.

10 Professional Witnesses

10.1 Witnesses are crucial to tackling anti-social behaviour: whether they are victims of anti-social behaviour directed against them specifically, or residents who witness anti-social behaviour directed against the community. However, in some cases it may be necessary to deploy the use of professional witnesses, in particular in cases when witnesses are reluctant to provide evidence in court proceedings.

11 Prevention of Anti-social Behaviour

11.1 Whilst Wigan Council will deploy a range of enforcement measures we will also try and prevent further acts of anti-social behaviour. This may include:

- Sports Development Diversionary Activities
- Positive Activities for Young People
- Drug and Alcohol Interventions
- Parenting Support with young people and their families to specifically address the behaviour
- Youth Inclusion Support Project (YISP)
- Restorative Justice
- Mediation
- Reparation
- Victim awareness work with young offenders / young people
- Acceptable Behaviour Contracts
- Anti-social Behaviour Orders
- Parenting Orders

12 Multi Agency Partnerships

12.1 Anti-social behaviour cannot be resolved in isolation and Wigan Council endeavours, where appropriate, to work as part of a multi-agency partnership. In appropriate cases we will liaise with various partner agencies which may include, Children and Young People's Services, Police, and canvass their views taking into account when making any decisions. Wigan Council may also include the wider community and private landlords, enabling anti-social behaviour to be tackled across different tenures. By working in partnership provides an effective way to prevent and combat anti-social behaviour and successful interventions may prevent legal action from taking place.

13 Information and Data Recording

13.1 Tackling anti-social behaviour successfully will be dependent upon robust information exchange between all agencies involved. All complaints received will be recorded electronically using a case management system and information and data collected may be used in the prevention and detection of crime and disorder. The information may also be used to identify repeat complainants/witnesses and track perpetrators.

13.2 Information collected, stored and shared may include:

- Personal information on complainants/witnesses and alleged perpetrators. This will wherever possible include age, ethnicity, and gender.
- Type of anti-social behaviour
- Location of incidents
- Outcomes of investigations.
- Freedom of information requests

14 Confidentiality

14.1 Those experiencing anti-social behaviour will be concerned that their complaint could lead to retaliation by the alleged perpetrator and may provide information to Wigan Council on the basis that it is confidential. Wigan Council will not disclose the identity of the complainant to the alleged perpetrator, legal representatives of other interested parties without first obtaining their consent.

14.2 However, whilst information may be shared with relevant agencies for the purpose of preventing crime and disorder all agencies will be bound by the Information Sharing Protocol.

15 Training of Staff

15.1 Wigan Council is committed to ensuring all staff will have the knowledge to identify and investigate incidents and reports of anti-social behaviour. Wigan Council will make certain that staff will undergo regular training reviews and be equipped in taking appropriate action by attending relevant training courses, etc.

16 Publicity

16.1 We recognise that a proven record of success in dealing with ASB cases is fundamental to building confidence in the service. Wigan Council, together with our partners, where appropriate, will continue to enhance our reputation by publicising our successes and working with the media to encourage positive reporting of the way in which we are tackling ASB.

Positive reporting of our successes in tackling problem behaviour will have a threefold effect:

- It will have a positive impact on the quality of life in our neighbourhoods.

- It will build public confidence in the services we provide and will encourage people to come forward and report problems to us in the knowledge that we, as an effective member of the Building Stronger Communities Partnership, will work to successfully resolve their problems.
- It will send a clear message to people who perpetrate or are considering perpetrating ASB that this kind of behaviour will not be tolerated and that action can and will be taken.

In order to do this effectively where we decide to publicise we will use a range of methods including:

- Press releases, to the local press, local radio and television.
- Publicity Materials (e.g. advertising the services, posters and leaflets publicising the services, leaflets on ASBO cases etc.)
- Awareness Raising Sessions and Campaigns
- Training local people

16.2 The question as to whether to publicise, the nature and/or the extent of publicity will be considered on a case by case basis, having regards to those individuals concerned and a community as a whole. Particular care will be given to the publicity concerning young or vulnerable and views will be sort from relevant agencies before publicity occurs.

17 Performance Management

17.1 Our Performance Management Framework will ensure that our key targets are met and we excel in providing excellent services to customers. Performance management will ensure that the outcomes will place the customer's expectations and experience at the heart of our service. The benefits of the performance management framework will be:

- Continuously improving service to residents within our neighbourhoods
- Explanation of what Wigan Council defines anti-social behaviour as.
- Continuously evaluating and developing the service
- Increase community reassurance that anti-social behaviour is dealt with swiftly and appropriately.
- Ensure that appropriate education, prevention and intervention are actioned at all stages of the anti-social behaviour process.
- Improving the efficiency in service delivery
- Increasing accountability to residents within our neighbourhoods
- Improving communication, monitoring and results
- Listening and learning from our residents through the Partners and Communities Together community engagement delivery process and through the Building Stronger Communities Partnership.

18 Complaints regarding the Service

- 18.1 Whilst Wigan Council strives to deliver a first class service in tackling anti-social behaviour there may be instances where complainants or alleged perpetrators are not entirely happy with the actions we have undertaken. All complaints should be made through Wigan Councils Complaints Procedure.



Anti social Behaviour Procedure

Review Date: April 2010

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Introduction

This procedure is published pursuant to s218A of the Housing Act 1996 and is designed to inform the reader how Wigan Council may deal with anti-social behaviour regards of tenure. This procedure is to be viewed as a guidance only as each case will be considered on its own facts and different cases will be dealt with individually.

Anti-social behaviour committed by a small fraction of the population of the Borough has an immense and damaging impact within communities, local businesses and visitors to the area. Wigan Council recognises that anti-social behaviour cannot be tackled in isolation and embraces a joined-up process and a partnership approach, avoiding duplication and ensuring a holistic and meaningful response is delivered.

Wigan Council will intervene when low level anti-social behaviour is identified and address this behaviour. If interventions do not stop the behaviour we may take appropriate enforcement action to deal with the problem.

We are committed to ensuring that our staff and partners are able to carry out their duties safely and free from harassment and intimidation and where necessary Wigan Council may take action against any person who prevents the above.

All investigations of anti-social behaviour will be in line with our policy which should be read in conjunction with this procedure.

Ways of Making an Anti-social Behaviour Complaint

Anti-social Behaviour complaints can be received via members of the public, Elected Members, partner agencies or the Police.

Individuals can access Neighbourhood Teams to log anti-social behaviour queries or report occurrences of anti-social behaviour through the following ways:

- By telephone: Environmental Services Helpline 01942 404021
- In writing: Neighbourhood Teams, Sovereign Road Portacabins, Wilton Street, Wigan, WN1 2AE
- By email: reportasb@wiganmbc.gov.uk

Types of anti-social behaviour

The type of behaviour that is covered under this procedure applies 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 Wigan Council; or
- Consists of or involves using or threatening to use housing accommodation owned or managed by Wigan Council for an unlawful purpose

Types of anti-social behaviour can include but are not limited to the following:

- Noise nuisance (for example loud parties, shouting, noise from TVs, radios, Hi-fi's and burglar alarms)
- Intimidation and harassment
- Aggressive and threatening language and behaviour
- Drug, alcohol and solvent misuse related nuisance
- Local environmental quality issues (for example litter, dog fouling, graffiti, fly-tipping and nuisance vehicles)
- Actual violence or threats of violence against people and property
- Domestic Violence
- Racial Harassment and/or other Hate related behaviour

Domestic violence is the abuse of someone within an intimate or family relationship and is the repeated, random and habitual use of intimidation to control another person. The abuse can be physical, emotional, psychological, financial or sexual. Domestic violence committed by a tenant, family member or visitors could fall within the description of anti-social behaviour and as such Wigan Council will ensure that the victim is supported in accessing remedies specifically designed to deal with domestic violence. The use of measures designed to tackle anti-social behaviour would normally only be used where the Domestic Violence Unit has been consulted and there is no other option available in order to provide protection and prevent the impact on the wider community.

All complaints of anti-social behaviour will be taken seriously and recorded immediately. Each case is assessed on its own merits. However, whilst all complaints are taken

seriously, there may be situations where the behaviour reported does not exceed reasonable levels. In such cases, the Council's involvement may be limited to providing advice and assistance. Such situations may include:

- Children falling out with each other
- People mowing their lawns unless at unreasonable hours
- People carrying out day to day activities in their own home unless at unreasonable hours
- Noise of children playing in their own home
- Children playing ball games in the street unless those playing ball are engaged in other more serious nuisance such as verbal abuse, playing at unreasonable hours or criminal damage.

If a case involves an element of statutory nuisance, for example, noise nuisance, Neighbourhood Teams may contact Public Health, another section within Neighbourhood Services, Environmental Services with a view to instigating action under the Environmental Protection Act 1990. If there is also evidence of ongoing anti-social behaviour, then action taken may run alongside Public Health action.

If a case involves a Wigan Council tenant then the case will be referred to Wigan and Leigh Housing the managing agent for Wigan Council who will investigate on behalf of the Council.

Greater Manchester Police use the contact card system which involves Community Beat Officers and Police Community Support Officers taking details of individuals who they witness causing nuisance or anti-social behaviour. The officers send this information into Neighbourhood Teams and it is analysed and action taken as appropriate.

It is imperative that throughout the process all information received is recorded formally on Wigan Council's computerised case management system as it may be used as evidence in legal action. It must be accurate, objective and it includes details of any meetings, discussions, copies of emails, file notes or even telephone conversations.

Recording Customer Complaints

When an initial enquiry is received the duty officer must search the case management system to ensure that the case is not already open. If the case is a duplicate entry the duty officer must advise the complainant that they are already dealing with an anti-social behaviour enquiry and the contact details for the officer handling the open case should be provided to the complainant. The officer handling the case should contact the complainant within 5 working days.

If the case is not open, the complaint will be logged by Wigan Council. The duty officer will identify the lead agency. This should be the agency in the best position to deal with the complaint, and may be a department or section within the Council, or it may be a partner agency such as Greater Manchester Police or Wigan and Leigh Housing Company Limited. The duty officer will write to the complainant identifying the lead agency, department or officer, as appropriate and providing contact details. This should be done within 5 working days of the initial complaint being received.

If the complaint has an element of Racial Harassment or other Hate Behaviour it will be treated as a priority. Such complaints should be reported to Greater Manchester Police and to the Council's Anti-social Behaviour Coordinator and Hate Crime Coordinator as soon as practicable, provided that the complainant consents to this.

All initial complaints of anti-social behaviour will be acknowledged by arranging to interview the complainant as soon as reasonably practicable. This will normally be arranged within 5 working days of initial receipt. The case management system will be updated continually whilst the case is open.

Early responses to complaints and action plans agreed between Wigan Council and the complainant can be vital to effectively deal with anti-social behaviour and helps to build trust and confidence in the process. Effectively processing the complaint also gives credibility to the service and assists the relationship between Wigan Council and the complainant.

Wigan Council will engage in clear lines of communication between the complainant, alleged perpetrator and partner agencies.

Interviewing the Complainant

The interview of the complainant should be arranged within 5 working days following initial receipt of the complaint by the duty officer.

This prompt timescale not only demonstrates our commitment to dealing with anti-social behaviour swiftly, it will also ensure that the information is fresh in the complainant's mind and is as accurate as possible.

This initial interview is the most important contact with the complainant as this is when all the initial information is received and as such this interview needs to be detailed and factual.

Examples of the information to be sought from the complainant include:

- Who and/or what is causing the nuisance? This needs to include a detailed description of the alleged perpetrator, a name and address if possible, with specific details of what is actually happening.
- What the exact nature of the problem is. It is important to let the complainant detail every small issue as it will allow for a proper investigation as to the seriousness of the issue.
- When the anti-social behaviour is occurring, e.g. is it in the middle of the night or on a Sunday morning? What is the effect of the anti-social behaviour on the complainant? Ensure that the complainant is as specific as possible.
- Where does the anti-social behaviour occur? This again needs to be as detailed as possible as this may identify possible perpetrators and highlights the seriousness of the issue.
- Who does the nuisance affect? If the complainant states that the entire street is affected, have other complaints been logged?
- Why is the anti-social behaviour occurring and is the complainant targeted individually or are others targeted?

Initially the Neighbourhood Officer will assess the validity of the complaint to make a decision if Neighbourhood Team involvement in the case is necessary or not. In many cases the issue can be dealt with and resolved informally by the complainant personally visiting the alleged perpetrator as a neighbour to discuss issues. As far as possible, this approach will be encouraged by Neighbourhood Teams, as involving a third party can inflame the situation. If the issue can be resolved by the complainant then the case will still be logged on the case management system, stating the advice and assistance given. These statistics will be filtered back into the Partners and Communities Together (PACT) process to assess if certain areas within the borough suffer from any particular issues in relation to anti-social behaviour.

If the Neighbourhood Officer considers that contact between the parties has been made and, whilst this has not resolved the issue, the case is still not one of anti-social behaviour

again this will be logged and appropriate support, interventions and advice and assistance given. Written confirmation of the action taken should be sent to the complainant within 5 working days of that action.

If the behaviour is considered to be anti-social behaviour, with Neighbourhood Teams to take the lead then the Neighbourhood Officer will draw up an action plan following the initial interview. As part of that interview, the Neighbourhood Officer will discuss with the complainant the various options available for dealing with anti-social behaviour. Some of these options are outlined later in these Procedures.

The action plan will be agreed upon by both the officer and complainant and will contain agreed upon timescales in line with any deadlines agreed on what will happen next. The complainant will agree with the officer an appropriate method of communication such as email or telephone call in relation to the complaint

If diary sheets are to be used, the officer should provide a detailed explanation of what they are used for and their importance, including the need to sign and date them. An offer should be made of an alternative way to record incidents if diary sheets are not the complainants preferred method. Any such alternative method of recording incidents must include a signed declaration by the complainant that the information given is true and accurate.

The need for clarity in completing the diary sheets will be explained to the complainant, reiterating the need for factual, timely information and the importance of later case preparation if needed, will be stressed to the complainant to allow the officer to accurately assess:

- The level of the problem
- The success of any potential action
- To lay the foundations for further action

The complainant will be advised that they will need to contact Greater Manchester Police immediately if there is any criminal behaviour, including violence or threats of violence. The complainant must then advise the Neighbourhood Officer after contact with GMP has been made and advise him/her of the FWN number. It is important to stress that the complainant must not retaliate should any of the above occur.

Details of the complainant's name and address will be kept in the strictest confidence and not divulged without specific permission.

Anonymous complaints should not be ignored and should be formally recorded and investigated where possible. Where investigation is not possible, the complaint should be recorded, logged and held on file for 12 months. It may be possible that the information within the complaint may support further evidence gained from other sources

False or malicious complaints may be dealt with as acts of harassment and appropriate action may be taken against the person making the complaint

The case management system will be updated following the interview.

Partnership checks must be carried out within the same 5 days following the action planning stage with the complainant including any other pertinent agencies that may be specific to the individual case. Partners have 5 working days to respond to the request for information.

Diary Sheets

When there is an agreed need for diary sheets, they will be issued to the complainant. Diary sheets are useful for recording incidents when, or shortly after, they occur and may be used as part of the evidence bundle should the case require court action.

On occasion, complainants are unable to complete dairy sheets (consideration must be given to disabilities, language or literacy). Where this occurs alternative arrangements should be made for the complainant to log incidents. Alternative arrangements may include:-

- Use of a Dictaphone or tape recorder
- Using a translator or providing translated forms if English is not the complainant's first language
- Use of another named person to complete the form on the complainants behalf
- Use of a responsible officer to complete the diary sheets

Each diary sheet must be signed and dated by the person who witnesses the incident and if the diary sheet is completed by another person this must be clearly stated on the diary sheet. The complainant should be informed that the diary sheets might, with their permission, be used as evidence in court proceedings. In exceptional circumstances, it may be possible to use the information as an anonymous statement or as hearsay evidence.

Arrangements should be made for diary sheets or alternative incident records to be returned to or collected by the Neighbourhood Team Officer regularly and normally no more than 14 days from receipt.

The case management system will be updated following the return of diary sheets.

Interviewing the Alleged Perpetrator

Following appropriate background checks as to whether an interview with the perpetrator is safe and appropriate the Neighbourhood Officer should arrange an interview with the alleged perpetrator within 5 working days. This interview allows the Neighbourhood Officer to assess the situation further and also allows opportunity for the alleged perpetrator to discuss the case and explain his/her alleged behaviour.

If the Neighbourhood Officer deals with an alleged perpetrator under the age of 18 the parent or guardian will need to be present at the interview. Consideration must be given to the timing of the interview, i.e. to avoid missing school etc. Any correspondence should also be sent to the parent or guardian

If the background checks identify that the alleged perpetrator is a risk to the Neighbourhood Officer then the interview should be conducted in twos and the location of the interview will be considered carefully. Reference will be made to the Neighbourhood Teams risk assessment in relation to visits to alleged perpetrators.

The complainant's details will not be disclosed in any interview with the alleged perpetrator unless the complainant has stated that they give permission for this to take place. There may also be cases when the alleged perpetrator may know who the complainant is by the very nature of the complaint. Also if mediation is discussed and agreed by all parties as the most appropriate course of action then the identity of the complainant will be made known.

An action plan should be agreed with the alleged perpetrator. This is very important, as it is the opportunity for the Neighbourhood Officer to explain the allegations of anti-social behaviour and impress on the alleged perpetrator the seriousness of the situation. It will also allow the alleged perpetrator to explain the situation in their own words and to agree in detail actions that can be taken to resolve the anti-social behaviour.

If the Neighbourhood Officer is of the opinion that the initial complaint is valid, after considering all the details, they will outline to the alleged perpetrator the consequences of continuing anti-social behaviour. Potential subsequent steps and actions will be explained in detail to the alleged perpetrator so they are in no doubt that continued behaviour will be dealt with swiftly and with enforcement if needed. The alleged perpetrator will be informed that the action plan may be shared with relevant partners. The Neighbourhood Officer will write to the alleged perpetrator within 2 working days following the interview, detailing the outcome of the interview including any warnings or undertakings given, as appropriate, and enclosing a copy of the action plan, if agreed.

The case management system will be updated following the return of interview.

The complainant will be updated within 3 working days of the officer's interview with the alleged perpetrator.

Any counter-allegations made by the alleged perpetrator must be considered in the same way as the original complaint and, if deemed necessary, investigated.

Supporting Complainants

During the lifetime of the case Neighbourhood Teams will continue to consider the needs of complainants and provide appropriate support. They will continually review those needs and ensure that appropriate support is offered or provided throughout their involvement with the complainants. The support offered may include:

- access to counselling services
- witness support
- access to telephone and/or face to face interpreters
- use of professional witnesses
- regular visits or patrols by PCSOs, housing officers, neighbourhood officers.

Witness/Victim support

Support of complainants, victims and witnesses is crucial when resolving issues as Wigan Council relies on the co-operation of anyone who is suffering from incidents of anti-social behaviour. As such some of the measures below will be deployed in every case and others may be required depending on the nature of the issue:

- Keep complainants, victims and witnesses fully informed and involved in the process
- Agree a plan of action and do everything we reasonably can to provide solutions to stop the problems
- Arrange for interpreters for people for whom English is not their first Language.
- Explain each stage of the process in detail to witnesses
- Implement restorative justice work in liaison with YOT to work with complainants to collect victim statements and undertake victim awareness work.
- Provide additional security measures to their home
- Provide support before, during and after Court action, which may include arranging Pre Hearing court visits, arranging transport to and from Court, maintaining contact after a court hearing etc.
- Use professional witnesses and/or surveillance to gather additional evidence to support a case
- Liaise with Victim Support and other relevant agencies to provide additional support and/or counselling

Options Available

Resolution of anti-social behaviour cases can vary greatly, as each case is individual, some are more complex than others, and there is no “one size fits all” solution.

After the initial action planning stage with both the complainant and the alleged perpetrator there are a number of actions that can take place independently of each other or together as part of a twin or triple track approach to resolving the problem. The approach in each individual case will be decided upon with all parties involved. It will also be responsive to complainant expectation and potential limitations, coupled with the perpetrators needs and abilities. Possible courses of action may include, but are not limited to the following:

Mediation

Mediation is a process that helps people in dispute to work out an agreement. Mediation is particularly useful in neighbour and family conflicts. Often within the process a face to face meeting in a neutral setting is part of the practice. The meeting is chaired by a neutral person and involves firmly established ground rules and mutual respect.

Reparation

Reparation provides opportunity for victims and members of local community to be actively involved with those at risk of anti-social behaviour in resolving how harm is to be repaired. By using reparation the perpetrator can learn to understand the consequences of their behaviour and also take responsibility. The repair of the harm caused by their behaviour can either be directly to the victim or indirectly to the community. Examples of this might be cleaning up graffiti or undertaking community work.

Restorative justice

Restorative justice is a process to try to put things right and heal relationships. The Restorative Justice process brings together victim, perpetrator and members of the community who have chosen to participate, either through:

- indirect mediation
- face-to-face meetings

Face-to-face meetings have a more powerful emotional impact and often produce high levels of agreement.

Restorative Justice outcomes are most often positive when:

- victims who participate show consistently high levels of satisfaction and fairness.
- victims are less fearful, particularly of victimisation by the same perpetrator.
- perpetrators have consistently high levels of satisfaction and sense of fairness.
- practical reparation by the perpetrator to victims and community is often part of the solution

Sports development diversionary activities

Sports Development delivers a wide range of Services to provide opportunities for people throughout Wigan to engage in lifelong participation in sport and physical activity.

The Sports Development Unit delivers a high quality service and work effectively with partner organisations in reducing those at significant risk of committing anti-social behaviour by diverting into meaningful sporting and cultural activities.

Drug and alcohol interventions

Young People's Drug and Alcohol Team is a confidential service who will support all young people under 19 including concerned family and friends. This service can help with advice about individuals own problems, give information on the effects and risk of alcohol or drugs, give extra support to help a client stop or cut down and also offer treatment from a nurse or doctor.

Positive activities for young people

Positive activities for young people are diversionary and developmental activities for young people. Positive activities for young people targets specifically young people not fully engaged in education, those with a low level of school achievement, and those at risk of becoming involved in crime and anti-social behaviour.

Youth inclusion support projects,

Youth inclusion support projects (YISPs) are multi-agency planning groups that seek to prevent offending and anti-social behaviour by offering voluntary support services to children aged 8 to 18 and their families, who are at risk of becoming involved in anti-social behaviour and crime. YISPs aim to ensure that young people and their families receive mainstream public services at the earliest opportunity, together with complementary interventions by other services to meet their needs, and to prevent offending and anti-social behaviour. In this way they offer an important vehicle for tackling emerging anti-social behaviour among young people.

Individual Support Orders

Individual support orders (ISOs) are civil orders that can be attached to anti-social behaviour for 10-17 year olds. ISOs last for up to 6 months and impose positive conditions designed to tackle the underlying causes of a young person's anti-social behaviour. The support will be tailored to the individual's needs and can require a young person to attend up to two sessions a week.

Advice and assistance

Often in most cases advising and signposting complainants can usually resolve the problem immediately.

Warning Letters

If felt appropriate, either before or after interviewing an alleged perpetrator, a warning letter can be sent. Such letters can request face to face contact with the alleged perpetrator to allow assessment of the complaint being made and discuss the complaints validity, seriousness and potential consequences of the behaviour.

Acceptable Behaviour Contracts (ABC)

These are voluntary arrangements entered into by the perpetrator who agrees by signing the document not to continue to perpetrate anti-social behaviour. These contracts outline the behaviour that is being complained about in addition to stating what has to be done to stop the problem. Usually these contracts are used with youths where the behaviour is not serious or criminal; however ABC's can be used with adults and in more serious cases when appropriate.

Anti-social Behaviour Orders

An anti-social behaviour order (ASBO) can be obtained from the court. An application for an ASBO is normally made to the Magistrates Court, but in some circumstances can be made to the County Court. The application must be made to the court within six months of the behaviour being complained of (although earlier incidents may be used as background information to support the case). One incident of serious anti-social behaviour may be sufficient for an order to be made, however the agency applying for the order must demonstrate that an order is necessary to stop the behaviour from continuing. The evidence in support of an ASBO application should prove that the defendant acted in a way that caused, or was likely to cause, harassment, alarm or distress to one or more persons not in the same household as the perpetrator. Evidence should explain to the court the context of the anti-social behaviour and its effect on other people. It can include direct witness statements, professional witness statements, hearsay, CCTV footage, and letters of complaint (including in some cases anonymous complaints) to police, council, landlord. Any non-compliance with other interventions, eg ABCs or warnings, should be cited.

Whilst an ASBO is a civil court order and can be obtained using the civil burden of proof, breach of an ASBO is a criminal offence and therefore the criminal burden of proof applies when proving the breach.

Drug intervention Orders

Intervention orders can be attached to anti-social behaviour orders in the same way as individual support orders (ISOs) but are designed to tackle anti-social behaviour as a result of drugs misuse.

Intervention orders (IOs) require individuals who act anti-socially as a result of drugs misuse to comply with positive conditions that tackle his/her anti-social behaviour. Ideally this should be done by tackling the root causes of this behaviour and a drug intervention order should be structured to reflect this objective. Any measures taken under the order should prioritise the prevention of further drug-related anti-social behaviour.

IOs can only be applied for alongside ASBO applications. They can only be given to individuals aged 18 or over and can last 6 months or less. (ISOs are only available for 10-17 year olds).

Parental Control Agreements (PCA)

On some occasions when ABCs are signed with children, their parents can be asked to sign a PCA to ensure that the behaviour that their child has agreed to stop by signing the ABC, is further reinforced. The PCA places a responsibility on the parent to ensure they support their child in addressing their anti-social behaviour. If the parent refuses to sign a PCA then this must be documented.

Parenting Orders

Parenting contracts and orders are a supportive measure designed to help parent(s) or carer(s) improve their parenting skills so that they can prevent problems in their child's behaviour and steer them away from becoming involved in anti-social and offending behaviour.

If parents fail to comply with the terms of a parenting contract (a voluntary agreement), parenting orders can be used to make the terms of the contract compulsory. Parenting Orders can be made for children and young people up to 17 years old. Parenting Orders can be imposed by a criminal court (youth, magistrate or crown court acting under civil jurisdiction) or a family court or a county court. Parenting Orders last up to a maximum of 1 year and any course or programme specified in the order can last up to 3 months.

Referrals to other agencies

It is commonplace that those perpetrating anti-social behaviour often need assistance to stop. Such assistance may be provided by way of a referral to another agency.

The Community Mental Health Team for adults will be able to assist perpetrators who have mental health issues. They offer support in the community to adults of working age experiencing a wide variety of mental health needs which require specialist input and which cannot be met through primary care (GP) services.

Wigan and Leigh Substance Misuse Services can assist with a drug or alcohol dependencies and provide expertise to help to identify and tackle drug and drink related problems such as: depression, health damaging behaviour, anxiety and stress, relationship problems, coming off drugs/alcohol, staying off drugs and alcohol, legal problems, financial problems, choosing the right rehabilitation service, employment and training. Often, breaking the dependency or controlling it can stop the anti-social behaviour.

The Housing Support service provides support for vulnerable people who require ongoing in order to maintain their tenancy with Wigan and Leigh Housing. This service can help people who are suffering from enduring mental health problems, young people who are aged 16-25 and other vulnerable people faced with homelessness.

Youth Offending Team can help with youth reparation and offering children diversionary tactics to channel their energy elsewhere, in a manner that is not anti-social.

Children and Young Peoples Services (CYPS) can assist where children are at risk of anti-social behaviour being perpetrated by another member of their household.

Education Welfare Officers can be involved with children at school to monitor their attendance and any support issues they may need.

Greater Manchester Police (GMP) will be heavily involved if the anti-social behaviour also has links to criminality.

Injunctions

Injunctions are orders of the Court requiring that someone behaves or ceases to behave in a particular manner. They can be used in a variety of situations, (e.g. to protect someone from intimidation and harassment or to prohibit someone from entering a particular area or building). In certain circumstances, such as where there has been actual or threatened violence, it may be possible to obtain an injunction with a Power Of Arrest (POA) attached. This would allow the police to arrest the perpetrator if they are satisfied that there has been a breach of the injunction. It is also possible, if it is deemed necessary to protect the witnesses and victims, to obtain an injunction 'ex-parte' or 'without notice', which means it is granted before the perpetrator knows of the application. Further details about the use and availability of injunctions can be obtained by contacting the Anti-social Behaviour Coordinator.

If an injunction is necessary the Neighbourhood Officer should:

- Immediately inform the Anti-social Behaviour Coordinator and the Business Support Services Department of their intention to apply for an injunction
- Agree with the assigned solicitor and Anti-social Behaviour Coordinator what type of injunction will be appropriate under the circumstances
- Immediately interview the complainant(s) with a view to obtaining signed witness statements. It must be explained to the witnesses that there will be a requirement for them to attend court in order for the Injunction to be obtained (For without notice injunctions the perpetrator will not be present, although they may be for other injunctions)
- The witnesses and victims should be offered and, if requested, provided with suitable support, refer to section Witness/Victim Support below

Once in their possession Business Support Services Department will immediately check the file to ensure all the relevant information has been provided.

- For 'without notice' cases Business Support Services Department will then make an immediate application for a Court hearing. The Hearing will usually be either the same day or the next working day.
- For all other injunctions applications to Court should be made within 48 hours.
- The Neighbourhood Enforcement Officer will be responsible for ensuring all witnesses attend Court.
- Once the injunctions are granted, the Neighbourhood Enforcement Officer and/or solicitor will arrange for the injunction to be served upon the perpetrator and for the Certificate of Service to be signed.

Urgent or serious cases must be referred immediately where there is a serious risk or threat of violence or actual events that require an injunction, as speed is of the essence in bringing successful injunction action.

Undertakings.

If an injunction has been applied for the alleged perpetrator may attend Court and agree to sign an Undertaking. This is a voluntary agreement, made in front of the Court by the alleged perpetrator, to carry out/not to carry out the act (s), which would have formed the basis for the injunction. An undertaking is not an admission of guilt but is merely an agreement to act/not to act in the manner specified. Breach of the undertaking is viewed as Contempt Of Court and therefore carries the same penalties as a breach of an injunction.

The penalty for breach of an injunction or undertaking is either a fine or imprisonment or both. Therefore, this course of action can usually only be used for people aged 17 or over. Enforcement of a breach of either an Injunction or Undertaking will require evidence in the form of signed witness statements and attendance at Court.

Use of Professional Witnesses/Surveillance

During the course of an investigation it may be necessary to consider the use of professional witnesses and/or surveillance (e.g. Where it is difficult to determine the facts of a case or gather suitable evidence or where it would be beneficial to obtain professional witness statement on a certain type of behaviour etc.)

If a Neighbourhood Officer is considering this type of action they should discuss this with the Anti-social Behaviour Coordinator.

Closure of Premises Orders/Persistent or Serious Disorder Closure Orders

If there are problems with a particular property (e.g. It is being used for the misuse or supply of drugs) it may be possible for the Police to obtain a closure notice through the Courts. If the problem pertains to anti-social behaviour, Neighbourhood Teams can apply to the Courts for a Closure Order. For Noise Nuisance a noise Abatement Order can be issued by Environmental Protection. For further information regarding this please contact the Neighbourhood Enforcement Officer.

Demoted Tenancies

Under the ASB Act 2003 legislation it is possible to apply to the Courts to have a secure tenancy 'demoted', if the tenant, their visitors or household members are guilty of ASB. This means that the tenancy will no longer be secure and the tenant only has the rights of an Introductory Tenant. It also means that if the problems continue the possession process is simplified. A tenancy will remain 'demoted' for a period of not less than 12 months.

If this is the chosen course of action the Neighbourhood ASB Officer should:

- a) Discuss with Legal Services what evidence will be required to proceed.
- b) Inform the complainants, where appropriate, of the proposed action and obtain the relevant statements. It may be possible to use anonymous statements but advice should be taken from Legal Services.
- c) Support should be offered to the witnesses and provided where required.
- d) Consideration should also be given as to how best to inform the tenant of the impending action, as this will give them the opportunity to address the behaviour.
- e) Once the relevant evidence is obtained, the case file should be immediately referred to Legal Services. This should ideally be within 10 working days of the confirmation of Legal Services requirements.
- f) A Demotion of Tenancy Notice will then be drawn up and served upon the tenant.
- g) If the problems continue, the Neighbourhood ASB Officer will update the Case File with the new evidence and refer the case to the Legal Services for a Court Hearing date.
- h) Legal Services will, where appropriate, apply for a Court Hearing within 10 working days of receipt of the evidence.
- i) The Neighbourhood ASB Officer will inform the complainants of the date of the Court Hearing and make suitable arrangements for their attendance where required.
- j) If the ASB continues after the tenancy is demoted, possession of the property can be gained by following the process for gaining possession of an Introductory Tenancy.

Possession Proceedings

In serious cases of ASB or in serious Harassment or Hate Related Cases, consideration should be given to applying to Court to regain possession of the property.

The process for regaining possession is dependent upon the type of tenancy (i.e. Secure, Introductory or Demoted) and the Neighbourhood ASB Officer should refer to the relevant procedures for each tenancy type.

When considering this types of action the Neighbourhood ASB Officer, in conjunction with the Neighbourhood ASB Manager/Deputy Neighbourhood ASB Manager, should assess the reasonableness of the action proposed (e.g. Is it reasonable to evict a whole family because of the behaviour of one child?)

If the decision is made to proceed, the Neighbourhood ASB Officer should:

- a) Work with Legal Services to arrange the service of the NSP/ITN/ Demotion of Tenancy Notice.
- b) Obtain the relevant evidence from witnesses and their permission to use the evidence/ willingness to attend Court should be determined (NB For Introductory/Demoted Tenancies there is no requirement for the witness to attend reviews/Court Hearings)
- c) Offer and provide any witness support that may be required.
- d) Forward all relevant evidence to Legal Services. This should ideally be within 10 working days of the decision to proceed but will be dependent on the speed of response from witnesses and the quality of evidence.

Once all the required instructions have been received Legal Services will apply to Court, usually, within 10 working days.

Case Escalation

In some cases, prevention, intervention and education will not resolve the ongoing anti-social behaviour and complainants need to be assured that relevant escalation of their complaint is timely and proportionate.

To instigate case escalation there needs to be a breach of the aforementioned action plan or a serious incident that occurs that warrants a fast track approach to the case.

Firstly, partners will be advised of the breach of action plan to ensure that no pertinent information is missed that would assist the investigation. All partners have 5 working days to update the Neighbourhood Officer with any or no information. All partners will be advised that there is an intention to move the case forward to subsequent action and this may consist of a range of options outlined above. Upon escalation of the case it will be necessary to contact the perpetrator in the manner agreed at the action planning stage and advise them of the next appropriate step. This will be followed up in writing 3 working days after the decision. At this stage, the Neighbourhood Officer will reiterate the seriousness of the case and will raise the profile of potential legal proceedings and the consequence that this action will incur. The Neighbourhood Officer will inform the perpetrator that a breach of the most recent action will result in case escalation through to the Neighbourhood Team Leader and Neighbourhood Inspector who will undertake a final warning. At this stage, the case will be brought to the attention of the Neighbourhood Enforcement Officer for potential instigation of legal action.

The complainant will also be contacted within 3 working days of the action being taken with the perpetrator to keep them abreast of developments within the case.

If the situation improves then the Neighbourhood Officer will monitor the situation, the situation will be monitored for a maximum of 1 month and then the case will be closed. Before closing the case the Neighbourhood Officer will write to the complainant and perpetrator 5 working days before the case is closed.

If the situation does not improve and clear breaches of the subsequent action occur then within 5 working days of the most recent complaint the Neighbourhood Team Leader and Neighbourhood Inspector will arrange to undertake a final warning. It will be explained at this final warning stage that further breach will result in enforcement action being taken against the perpetrator, the consequences of this action will be explained in detail and comment will be made that any successful action will be publicised through the media.

If the situation improves then the Neighbourhood Officer will monitor the situation, the situation will be monitored for a maximum of 1 month and then the case will be closed. Before closing the case the Neighbourhood Officer will write to the complainant and perpetrator 5 working days before the case is closed.

If the situation does not improve and clear breaches of the final warning occur then within 5 working days of the most recent complaint the case will be referred to the Anti-social Behaviour Coordinator and the Area Management Group (AMG) agenda, a partnership forum involved in the solutions to tackling anti-social behaviour.

A decision to progress with legal action will be brought before the AMG and all views of relevant partner agencies will be confirmed. Unless evidence previously unknown is cited action to proceed with enforcement will be agreed. It is important to note that serious cases of anti-social behaviour, for example, threats of violence, will be fast-tracked through the process. The fact track process will allow the Anti-social Behaviour Coordinator to assess cases and progress them through stages of the process. An example of this would be if an officer was investigating anti-social behaviour and was assaulted. Neighbourhood Teams would not instigate action plans or warning letters, the case would be progressed immediately to legal action.

Cases will be monitored on an ongoing basis. If the behaviour complained of continues despite attempts to warn the alleged perpetrator or otherwise resolve the situation, further action will be considered and taken, as appropriate, in accordance with the options outlined in this procedure.

Confidentiality

Those experiencing anti-social behaviour may be concerned that their complaint could lead to retaliation by the alleged perpetrator and may provide information to Neighbourhood Teams on the basis that it is confidential. Neighbourhood Teams or any partner agency will not disclose the identity of the complainant to the alleged perpetrator or legal representatives of other interested parties without first obtaining their consent.

However, whilst information may be shared with relevant agencies for the purpose of preventing crime and disorder all agencies will be bound by the Information Sharing Protocol.

Publicity

We recognise that a proven record of success in dealing with anti-social behaviour cases is fundamental to building confidence in the service. In appropriate cases, Neighbourhood Teams, together with our partners, will continue to enhance our reputation by publicising our successes and working with the media to encourage positive reporting of the way in which we are tackling anti-social behaviour.

Positive reporting of our successes in tackling problem behaviour will have a threefold effect:

- It will have a positive impact on the quality of life in our neighbourhoods.
- It will build public confidence in the services we provide and will encourage people to come forward and report problems to us in the knowledge that we, as an effective member of the Building Stronger Communities Partnership, will work to successfully resolve their problems.
- It will send a clear message to people who perpetrate or are considering perpetrating anti-social behaviour that this kind of behaviour will not be tolerated and that action can and will be taken.

In order to do this effectively where we decide to publicise we may use a range of methods including:

- Press releases, to the local press, local radio and television.
- Publicity Materials (e.g. advertising the services, posters and leaflets publicising the services, leaflets on ASBO cases etc.)
- Awareness Raising Sessions and Campaigns
- Training local people

The question as to whether to publicise, the nature and/or the extent of publicity will be considered on a case by case basis, having regards to those individuals concerned and a community as a whole. Particular care will be given to the publicity concerning young or vulnerable and views will be sought from relevant agencies before publicity occurs.

Monitoring Anti-social Behaviour and the Service

To improve our service, continually meet customers expectations and improve community reassurance in relation to anti-social behaviour, it is essential that we monitor anti-social behaviour and the mechanisms we put in place to tackle it.

This will enable us to:

- Understand neighbourhoods needs and perceptions and target reassurance where appropriate
- Assess the types and frequency of anti-social behaviour reports across the borough to target partnership resources to address anti-social behaviour and its associated problems, this not only in hot spot locations throughout the borough but specific streets
- Identify gaps in service provision
- Listen and learn from our residents through the PACT process, community engagement delivery and through the Building Stronger Communities Partnership

Neighbourhood Team's Performance Management Framework will ensure that our key targets are met. The benefits of the performance management framework will be:

- To ensure increased accountability to residents within our neighbourhoods
- Improve communication, monitoring and results

Operationally Neighbourhood Team Leaders will monitor, check and assess their respective Neighbourhood Officer workloads and quality on a weekly basis through reports run from the case management system. This information will be reported to the Service Manager on a monthly basis.

Complaints regarding the service

Whilst Neighbourhood Teams strive to deliver a first class service in tackling anti-social behaviour there may be instances where complainants or alleged perpetrators are not entirely happy with the actions we have undertaken and/or the manner in which they have been undertaken.

All complaints should be made through Wigan Council's Complaints Procedure.

Appendix 1
Anti Social Behaviour Procedure





