

# **Anti-social Behaviour Policy PIER**



**Prevention  
Intervention  
Enforcement  
Rehabilitation**

**Review date July 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](mailto: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 Council's Complaints Procedure.