

Report to: Community Protection Panel
Cabinet

Date: 16 March 2009
2 April 2009

Subject: Anti Social Behaviour Policy

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

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. Panel – the views of Panel are invited.
2. Cabinet - approves the adoption of the policy

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 10 April 2009

This item is included in the Forward Plan.

Risks / Implications:

Financial:	N/A
Staffing:	N/A
Policy:	
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	Yes
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 and is attached as an appendix to this report.

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
			All CDRP Partners February 2009
Panel	Overview & Scrutiny	Cabinet	Council
Community Protection 16 March 2009		2 April 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 2 March 2009

1.0 Background:

- 1.1 The Crime and Disorder Act 1998 places a statutory duty on Local Authorities, Police and Fire and Rescue Authorities 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.

2.0 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 attached at Appendix 'A' 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 which will be published on the Councils web site. This document will set 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 Anti Social Behaviour is a major issue for the communities of Wigan and Leigh and although a great deal of work has been carried out to deal with issues over the past few years the issue remains of concern amongst residents of the Borough.
- 3.2 The adoption of the policy 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.

Diversity Impact Assessment form

Section:	Neighbourhood Services
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Policy/Service Area: Anti Social Behaviour Policy

Person Completing Form: Ian Harrison	Date: 27.2.09
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Do any of the below groups suffer specific disadvantage (please indicate)

	Yes	No		Yes	No
Race		X	Disability		X
Ethnicity		X	Gender		X
Age		X	Religion		X
Class		X	Sexual Orientation		X

Is there evidence of disadvantage or associated problems?

Existing complainants come from a wide range of backgrounds. One of the main aims of the policy is to ensure we provide an easy and accessible service for all sections of our community.
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How was the information collected and/or who have you consulted with?

Reported incidents of ASB

Action Plan – <i>What specific actions are planned to tackle any disadvantage identified?</i>

The policy will be reviewed after 12 months to evaluate whether any specific groups suffer any disadvantage

Is the policy in line with current equality legislation and relevant codes of practice?

Yes

Timescale	
Responsibility	
Comments	

Are the actions specified included in any other documents/plans?

Departmental Service Plan	
Section/Team Plan	
Other (Specify)	

Date for further review

April 2010



APPENDIX 'A'

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 with an evidence based approach focusing on specific outcomes.

This policy document compliments the following existing strategic documents:

Homelessness Strategy, Community Safety Strategy, Every Child Matters

- 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.
- Freedom of Information Act 2000.
- Homelessness Act 2002.
- Anti-social Behaviour Act 2003
- Children Act 2006
- The Criminal Justice and Immigration Act 2008

Wigan Council endeavours to provide the highest quality service in tackling and dealing with the problems created by anti-social behaviour. Wigan Council will provide an accessible and effective service which encourages all residents of the Borough to report incidents. 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.

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.

The policy will allow us to intervene when low level anti social behaviour is identified and remedy this behaviour, where this approach has failed it will allow us to take appropriate enforcement action to deal with the problem. The policy will enable us to reassure residents within our Neighbourhoods that when anti social behaviour occurs we will act swiftly and effectively with positive outcomes

2 Strategic Aims and Outcomes

2.1 This policy sets out the Building Stronger Communities Partnership approach in dealing with anti-social behaviour. This partnership has the responsibility to deliver outcomes against the Local Area Agreement (LAA) : a strong community that provides positive activities for all with improved community confidence, participation and cohesion in safe and sustainable neighbourhoods.

- 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

3 What Wigan Council defines as Anti Social Behaviour

3.1 ASB has been defined in several different pieces of legislation as referenced below:

- “.... acted in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves” (section 1 Crime and Disorder Act 1998 – applications for ASBO’s).
- “.... guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality” and “.... convicted of using the dwelling-house or allowing it to be used for immoral or illegal purposes or an arrestable offence committed in, or in the locality of, the dwelling-house” (section 144 Housing Act 1996 – extension to the Grounds for Possession for secure tenancies in Schedule 2 Housing Act 1985).
- “Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects the housing management functions of a relevant landlord” (section 153A(1) Housing Act 1996 inserted by section 218A Anti Social Behaviour Act 2003 – ASB injunction).
- “Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose” (section 153B(2) Housing Act 1996 inserted by section 218A Anti Social Behaviour Act 2003 - injunction against unlawful use of premises).

3.2 Whilst there has been some criticism that the above definition contains a wide remit, The House of Commons Select Committee has considered this and concluded that it would be a mistake to make the definitions more specific because

- The definitions work well from an enforcement point of view and no significant practical problems appear to have been encountered
- Exhaustive lists of the kind of behaviour considered anti social by central government would be unworkable and anomalous and
- Antisocial behaviour is inherently a local problem and may be of a different nature in different localities.

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

- Harassment
- Town Centre nuisance against personal or business premises
- Motor vehicle nuisance
- Drug, alcohol and solvent misuse related nuisance
- Environmental nuisance
- Violence or threats of violence
- Domestic Violence
- Racial Harassment and/or other Hate related behaviour.

3.4 All complaints of anti-social behaviour will be taken seriously recorded immediately and investigated thoroughly. However, we will 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
- People carrying out day to day activities in their own home
- Cooking smells
- Noise of children playing in their own home
- Neighbour disputes
- 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.

4 Making a complaint of anti-social behaviour

4.1 All complaints of anti – social behaviour will be investigated in line with Wigan Council’s published anti social behaviour procedure.

5 Dealing with complaints of anti-social behaviour

5.1 All anti social behaviour complaints will be dealt with by Neighbourhood Teams part of Neighbourhood Services Division, Environmental Services in line with the anti social behaviour procedure.

5.2 Every case will be dealt with as individually appropriate, however in all cases intervention, prevention, education, mediation and reparation will be explored before enforcement action is considered. This is in line with RESPECT guidance. The partnership approach that Neighbourhood Teams adopts aims to stop the anti social behaviour through support working with colleagues from Greater Manchester Police, Primary Care Trust, Wigan and Leigh Housing etc.

However where enforcement is the only available mechanism to stop the behaviour it will be taken and publicised appropriately.

6 Supporting Complainants, Victim and Witnesses

6.1 Support of complainants, victims and witnesses 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:

- 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.
- Arranging 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.
- 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 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

7 Prevention of Anti-social Behaviour

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

- Restorative Justice
- Sports Development Diversionary Activities
- Parenting Support
- Drug and Alcohol Interventions
- Positive Activities for Young People
- Youth Inclusion Support Project (YISP)
- Mediation
- Reparation
- Victim awareness work with young offenders / young people

- Individual Support Orders

8 Information and Data Recording

- 8.1 All complaints received will be recorded electronically using a case management system which is accessible via Neighbourhood Teams staff.
- 8.2 Information and data collected is used in the prevention and detection of crime and disorder and is also used to identify repeat complainants/witnesses and track perpetrators.
- 8.3 Information collected and stored includes:
- 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
- 8.4 All information is processed in accordance of Data Protection Principles.

9 Governance and Accountability

- 9.1 Performance in respect of Anti Social Behaviour will be the responsibility of the Respect Group of the Building Stronger Communities Partnership (BSCP) who will report to the BSCP Board.
- 9.2 The Anti Social Behaviour Coordinator will supply the Respect Group with quarterly performance management reports. In addition to providing effective performance management this will enable a strategic partnership approach to Anti Social Behaviour to ensure responses are holistic, complementary and that the services we deliver meet the Councils overarching aims.
- 9.3 Neighbourhood Teams are accountable to customers through the delivery of service standards detailed in the ASB procedure. The tangible outcomes of action are also mechanisms through which customers can assess performance.

10 Sustainability and rehabilitation

Wigan Council is committed to ensure that any enforcement action taken as a result of anti social behaviour does not detract from the overarching Council aims of sustainable communities. To ensure that this occurs all officers within Neighbourhood Teams and partners will work in an integrated manner to address the full range of problems faced by perpetrators, to ensure this occurs emphasis will be placed on providing support on short, medium and long term basis in the community.

11 Publicity

11.1 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, 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 we will use a range of methods to publicise our success in tackling ASB, 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

It is essential that when issuing press releases regarding young people whether as a complainant or perpetrator clear consideration is given to ensure that the young person is safeguarded from any risk the media attention may give rise to.

12 Performance Management

12.1 Our Performance Management Framework will ensure that our key targets are met and we excel in providing excellent services to customers. Performance management will be outcomes and results driven and 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 ASB as.
- Continuous evaluation and development of the service
- Increase community reassurance that ASB is dealt with swiftly and appropriately.
- Ensure that appropriate education, prevention and intervention are actioned at all stages of the ASB process.
- Improvements in efficiency in service delivery
- Increased accountability to residents within our neighbourhoods
- Improved communication, monitoring and results
- Listening and learning from our residents through the PACT process community engagement delivery and through the Building Stronger Communities Partnership.

13 Complaints regarding the Service

13.1 Whilst Wigan Council 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. All complaints should be made through Wigan Councils Complaints Procedure.