



Wigan Council

Anti-Social Behaviour Policy

Published pursuant to Section 218A Housing Act 1996

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1. Introduction

This statement of policy is intended to be comprehensive, clear, and accessible. The policy has been determined and should be viewed in the context of Wigan Council's overall responsibilities.

This statement of policy:

- Outlines Wigan Council's general approach to addressing anti-social behaviour
- References specific policies which relate to anti-social behaviour
- Will be subject to annual review by Wigan Council

When applying this statement of policy Wigan Council's overriding consideration is to consider each situation on its particular facts against the framework and guidance provided by our 'ASB Resolution Model'.

This statement of policy is published on the Wigan Council website www.wigan.gov.uk and is available on request in printed hard copy form as well as translation and alternative formats including Braille and large print.

Wigan Council will review this statement of policy annually. Revisions to this policy may be by way of supplements, updates and/or corrections to the published version.

This statement of policy ought to be considered in conjunction with Wigan Council's 'ASB Resolution Model' which outlines Wigan Council's procedures when dealing with complaints and/or occurrences of anti-social behaviour.

We always welcome feedback on any of our policies, procedures, or services. If you have any comments, compliments or complaints about this policy please let us know. You can provide feedback by visiting our website at www.wigan.gov.uk or by writing to us at Wigan Town Hall, Library Street, Wigan, WN1 1YN.

2. What is "Anti-Social Behaviour"?

'Anti-Social Behaviour' is a broad term but for the purpose of the obligations imposed by Section 218A Housing Act 1996 ["the 1996 Act"] since the coming into force of the Anti-Social Behaviour, Crime and Policing Act 2014 ["the 2014 Act"] 'Anti-Social Behaviour' has been defined in Schedule 11 Part 1 paragraph 23 of the 2014 Act as:

- conduct that can cause nuisance or annoyance to some person (who need not be an identified person) and that directly or indirectly relates to or affects the landlord's housing management functions; or
- conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.

The term 'housing management function' is a wide one which covers anything undertaken as part of the day to day or strategic management of the housing stock. Matters which 'indirectly affect' the housing management function might relate to social care and housing

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support, environmental health or refuse collection or other services which promote the efficient operation of the landlord function. Again, the definition is wide.

We consider that these definitions make clear that what does and does not amount to anti-social behaviour will frequently turn on the facts of a case.

We know that anti-social behaviour can have a disruptive and damaging effect on individuals within our communities and on our communities. As is made clear in the definition set out above anti-social behaviour can impact upon ‘any person’. This wide definition includes, but is not limited to, tenants and owner occupiers but also includes workers and visitors to our communities. It includes adults and children.

Anti-social behaviour may or may not constitute criminal activity. A key determinant in deciding whether behaviour is anti-social or not will be the impact of the behaviour on others, but it is to be emphasised that this is not the only relevant consideration. Wigan Council will consider all relevant circumstances when determining whether conduct is such as to be classed as anti-social behaviour.

The types of conduct that may amount to anti-social behaviour include (but are not limited to):

- noise nuisance (for example loud parties, shouting, noise from TVs, radios, Hi-fi’s, and burglar alarms).
- intimidation and harassment.
- local environmental quality issues (for example litter, dog fouling, graffiti, fly tipping and nuisance vehicles).
- aggressive and threatening language and behaviour.
- actual violence against people and property.
- hate behaviour that targets members of identified groups because of their perceived differences (for example race and ethnicity, gender, age, religion, sexual orientation, mental health, or disability); and
- using housing accommodation to sell drugs, or for other unlawful purposes.

Further guidance with what is and is not considered to be anti-social behaviour can be found within our Anti-Social Behaviour pages on the Wigan Council webpage

www.wigan.gov.uk

3. Anti-Social Behaviour – General Policy Statement

Wigan Council aims to protect our communities, prevent anti-social behaviour, and promote a safe living environment. We expect individuals and groups to behave with respect to others and in a manner which does not interfere with the comfort or well-being of other individuals or groups in our communities, whether those individuals or groups live and/or work and/or are lawfully visiting our communities.

Wigan Council recognises that if left unchallenged anti-social behaviour can have a very significant effect on the quality of life of individuals and groups within our communities and can impact on the welfare of communities. Accordingly, Wigan Council aims to tackle what

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are often diverse and complex issues around anti-social behaviour using a range of tools including prevention, support and enforcement with the objective of delivering a proportionate and flexible response to the challenges that anti-social behaviour presents.

Wigan Council aims to address anti-social behaviour as early as possible because this may prevent situations from escalating and may stop the anti-social behaviour. However in some cases, for example where anti-social behaviour is serious or where anti-social behaviour continues notwithstanding our efforts to tackle it, we will consider, and if appropriate use, robust and swift enforcement action to meet our objectives of protecting communities and preventing anti-social behaviour since tackling anti-social behaviour is a key part of our strategy to deliver sustainable communities which will in turn enhance the quality of life of people.

Wigan Council aims to respond to reports of anti-social behaviour by adhering to statutory guidance published in August 2019 under the Anti-Social Behaviour, Crime and Policing Act 2014. This legislation and guidance are embedded within the operational delivery of our 'ASB Resolution Model', challenging and tackling anti-social behaviour within the Wigan Borough whilst seeking to build community resilience.

The changes in this guidance aim to ensure that there is a greater focus on the impact of anti-social behaviour on victims and on their needs, ensuring that the relevant legal tests are met before the powers are used, underlining the importance of ensuring that the use of the powers are focused on specific behaviour that is anti-social or causing nuisance, and ensuring that the issues of local consultation, accountability and transparency are addressed.

The tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (including, but not limited to, civil injunctions, criminal behaviour orders, dispersal powers, community protection notices, public spaces protection orders, closure powers, absolute orders for possession and the community trigger) form part of the operational delivery of the 'ASB Resolution Model' and the Place and Communities Partnership Strategy.

Pursuant to this statement of policy Wigan Council aims to:

- Provide a high-quality service to tackle and resolve anti-social behaviour within our communities
- Communicate effectively with partners by sharing intelligence and where appropriate use 'joint working' to tackle anti-social behaviour
- Work with communities and partners to find the most appropriate resolution to the issues they face so that communities feel engaged and empowered
- Proactively tackle anti-social behaviour 'hotspots'
- Pay attention to protect those most vulnerable from the effects of anti-social behaviour
- Manage those who cause anti-social behaviour using appropriate and proportionate intervention, rehabilitation, support and/or enforcement depending on the facts of

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the case with the aim of preventing anti-social behaviour, promoting community resilience, and deterring and rehabilitating perpetrators

- Help individuals and groups to reach a common understanding about what does and does not constitute anti-social behaviour and how minor lifestyle differences or everyday living noise may not constitute anti-social behaviour
- Provide safe neighbourhoods, communities, and town centres in the Wigan Council local government area
- Provide consistent and clear information through our website, contact centre and other published means to enable customers to understand our policies and procedures, who to contact with any query or report of anti-social behaviour and to help customers to understand how and by whom a report will be investigated and managed
- Direct individuals who contact Wigan Council with concerns or other enquiries concerning anti-social behaviour or related matters to the correct department

4. Expected Standards of Behaviour

(a) General

The standards of behaviour Wigan Council expect are set out on page four of this statement of policy. We expect individuals and groups to behave with respect to others and in a manner which does not interfere with the comfort or well-being of other individuals or groups in our communities, whether those individuals or groups live and/or work and/or are lawfully visiting our communities. These standards apply to everyone who lives in, works in, and/or visits our communities irrespective of tenure.

(b) Wigan Council tenants

In addition to the standards of behaviour generally expected [set out at part (a) above] Wigan Council tenants are bound by the specific terms of a tenancy agreement which is a legal contract between the tenant(s) and Wigan Council. The current version of the Wigan Council tenancy agreement contains several conditions relating to the conduct of tenants, those who live with tenants and those who visit tenants.

Sections 25-36 of the current Wigan Council tenancy agreement sets out tenancy conditions relating to anti-social behaviour, criminal conduct, community protection and animals (see below).

Under the Wigan Council tenancy agreement, a tenant is not only responsible for their own conduct but is also responsible for the conduct of any person residing at or occupying their property (whether adults or children). A tenant is also responsible for the conduct of any lawful visitor to their property, whether that visitor is an adult or a child.

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Sections 25-36 of the current Wigan tenancy agreement provide as follows:

Anti-Social Behaviour and Criminal Conduct and Community Protection

25. *The effect of this Agreement is to make the Tenant responsible for:*

(1) their own conduct; and

(2) the conduct of any person residing at or occupying the property (whether adults or children); and

(3) the conduct of any lawful visitor to the property (whether adults or children)

26. *The Tenant or any person residing in, occupying or visiting the property must not engage in conduct causing or likely to cause a nuisance or annoyance to any person or do anything which interferes with the peace, comfort or convenience of any person (who need not be a particular identified person) residing, occupying, visiting or otherwise engaging in a lawful activity in the property or in the locality of the property*

Examples of the sort of behaviour covered by this clause may include, but are not limited to:

- *noise at any time of day or night (whether from a music, television, or other source or from arguing, shouting or door slamming)*
- *verbal abuse, harassment, or intimidation*
- *violence or the threat of violence*
- *insulting words or behaviour*
- *racist language or behaviour*
- *damage to property or threats of damage to property or possessions*
- *graffiti and/or vandalism*
- *displaying posters or messages (whether on the inside or outside of the property or in any Communal Area or Communal Garden Area within the locality of the property)*
- *dumping rubbish or accumulating rubbish*
- *dogs barking or fouling*

These conditions are designed to protect people including, but not limited to:

- *neighbours and residents in the locality of the property*
- *visitors to the locality of the property*
- *employees of the Council or of Wigan and Leigh Housing Company Limited*
- *contractors employed by the Council or by its agents*

27. *The Tenant or any person residing in, occupying, or visiting the property must not use the property or allow it to be used for any immoral or illegal purpose*

28. *The Tenant or any person residing in, occupying, or visiting the property must not be convicted of an indictable offence committed in, or in the locality of, the property*

29. *The Tenant must not possess, cultivate, grow, produce or store any illegal drugs or substances at or in the locality of the property or supply any illegal drugs or substances at or from the property or the locality of the property*

30. *The Tenant must not allow any person residing in, occupying or visiting the property to possess, cultivate, grow, produce or store any illegal drugs or substances or supply any illegal drugs or substances at or from the property or the locality of the property*

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31. *The Tenant must not interfere or tamper with any gas or electricity or water meter serving the property and must not instruct, encourage, or allow anyone else to do so*

Animals

32. *At the outset of the tenancy the Tenant must notify the Council of any animals which it is proposed to keep at the property (including a guide dog or hearing dog or otherwise)*

33. *The Tenant must not keep any animal on any Communal Area or Communal Garden Area*

34. *Where the property is part of a building which is more than two storeys high the Tenant must not keep or allow to be kept at the property any animal without the prior written consent of the Council. Consent may be conditional*

35. *Where the property is not part of a building which is more than two storeys high the Tenant must not:*

a. keeps or allow to be kept at the property any animal (whether owned by the Tenant or otherwise living at or visiting the property) for which the property is unsuitable

b. keeps (or allow to be kept) too many animals (whether owned by the Tenant or otherwise living at or visiting the property) for the size and type of property

c. keeps (or allow to be kept) at the property any animal (whether owned by the Tenant or otherwise living at or visiting the property) which is dangerous or otherwise unsuitable by virtue of size, being poisonous or otherwise

d. breed (or allow to be bred) any animal at the property

36. *The Tenant must:*

a. ensure that any animal (whether owned by the Tenant or otherwise living at or visiting the property) is kept in suitably clean and appropriate conditions and in a manner which does not pose a risk to the health and safety of any person or animal

b. ensure that any animal (whether owned by the Tenant or otherwise living at or visiting the property) is kept under proper control at all times and does not damage the property (or cause damage in the locality of the property) or cause injury, nuisance or annoyance to any other person in or in the locality of the property (whether caused by barking or other noise, aggressive behaviour, fouling or some other cause)

c. promptly clears up and appropriately dispose of excrement from any animal which is owned by the Tenant or otherwise living at or visiting the property when that animal is in the property or in the locality of the property

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5. Strategic Context

This statement of policy is adopted by Wigan Council within the overall framework of our Place and Communities Partnership Strategy for 2019-2020. The Place and Communities Partnership includes Wigan Council, Clinical Commissioning Groups, Greater Manchester Police, Greater Manchester Fire and Rescue Service and Probation Services.

The key priorities of the Place and Communities Partnership Strategy for 2019-2020 are to:

- Keep people safe
- Reduce harm and offending
- Strengthen Communities and Places

This statement of policy and its delivery is also intended to be compatible with:

- Wigan Council's existing obligations consequent on legislation including, but not limited to:
 - Anti-Social Behaviour Act 2003
 - Anti-Social Behaviour, Crime and Policing Act 2014
 - Children Act 1989
 - Children Act 2006
 - Crime and Disorder Act 1998
 - Data Protection Act 1998
 - Environmental Protection Act 1990
 - Equality Act 2010
 - Freedom of Information Act 2000
 - Homelessness Act 2002
 - Housing Act 1985
 - Housing Act 1996
 - Human Rights Act 1998
 - Local Government Act 1999
 - Protection from Harassment Act 1997
 - Race Relations Act 1976 (s71)
 - Criminal Justice and Immigration Act 2008
 - Coronavirus Act 2020
- Wigan Council's Homeless and Rough Sleepers strategy
- The priorities of the Wigan Council Place and Community Safety strategy
- Wigan Council's wider duties in terms of race relations and Wigan Council's own equalities scheme
- Wigan Council's Drug & Alcohol Strategy
- Wigan Council's Domestic Abuse strategy
- Wigan Council's Complex Safeguarding Strategy
- Wigan Children's Trust and Safeguarding Children's Board Early Help Strategy
- Youth Justice Strategy

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6. Supporting Policies, Procedures and Processes

Wigan Council utilises several supporting policies, procedures and/or processes when dealing with issues of anti-social behaviour. These include:

Supporting complainants and witnesses

We aim to effectively support complainants and witnesses by consistently achieving our service standards as outlined in our ASB Resolution Model. By doing this we aim to boost the confidence of witnesses, the agencies involved and the wider community in a context where the safety and well-being of victims and witnesses is a primary consideration.

Practical steps to support complainants and witnesses may include:

- Using effective communication skills, including active listening and use of restorative language to validate the persons experience and show understanding.
- Being clear through our updated website page about how incidents of anti-social behaviour may be reported and making reporting channels as simple as possible
- Dealing with reported complaints promptly and keeping complainants and witnesses informed of relevant developments
- Referring individuals to support services where necessary
- Agreeing a realistic action plan with individuals where appropriate and communicating with them on a regular basis by an agreed method of communication throughout the investigation and any subsequent action
- Risk assessing and using physical measures in appropriate cases to reassure complainants or witnesses
- Providing details of emergency out of hours contacts in appropriate cases
- Informing relevant officers such as caretakers or wardens so that they can keep a 'look out'
- In cases where enforcement action is taken, discussing, and explaining the processes involved and supporting complainants and witnesses through the process
- Agreeing the provision of ongoing support and/or support referrals following the conclusion of enforcement action or other steps

Professional witnesses and covert surveillance

In appropriate cases we will consider the use of professional witnesses and/or covert surveillance to gather or support evidence of anti-social behaviour. Any such consideration will be based on the facts of the case and any use of covert surveillance by Wigan Council will be in accordance with the safeguards provided by the Regulation of Investigatory Powers Act 2000.

Racial and other harassment

We take harassment or hate crime in any form against any member of our community extremely seriously. Harassment and hate crime may include, but is not limited to, intimidation of a person or group of people because of their race, colour, ethnic or national

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origin, gender including transgender, sexual orientation, marital status, disability, age, or religion.

Wigan Council are committed to:

- Eliminating unlawful discrimination and harassment
- Promoting good relations between people of different racial groups
- Maximising the reporting of incidents that are racially motivated
- Supporting complainants and their families
- Acting against perpetrators

Domestic violence

Wigan Council want to achieve a community that does not tolerate domestic abuse and that affords effective support to all its victims (whether adults or children) whilst at the same time holding perpetrators to account.

Domestic violence may fall within the definition of anti-social behaviour. Each case must be considered on its facts. Wigan Council have policies for dealing with domestic violence and are mindful of the need to ensure that victims are supported in accessing remedies specifically designed to address domestic violence (for example non-molestation orders) whilst other enforcement tools may be used by Wigan Council in appropriate cases (e.g. to provide protection to the victim and/or prevent impact on the wider community).

The Domestic Abuse Strategy within the Place and Community Safety Partnership aims to reduce domestic abuse and the impact it has on victims and their families.

Prevention of anti-social behaviour

Prevention is an integral part of our approach to anti-social behaviour. We utilise a range of initiatives in appropriate cases which are designed to prevent anti-social behaviour from occurring using a mix of education, engagement, communication, and support. The initiatives we use or can access in appropriate cases include:

- Restorative approaches with adults and children
- Diversionary activities in conjunction with partners such as Wigan Inspiring Healthy Lifestyles and Targeted Youth Support Service (TYSS).
- Use of Acceptable Behaviour Contracts
- Designing out crime ('safer by design' principles for new build)
- Tenancy support schemes
- Multi-agency partnerships
- Education and raising awareness
- ASB Rapid Response Team (a youth work and restorative approach to ASB from TYSS)
- Early Intervention and Prevention support from TYSS

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Specialist support

When looking at issues of community protection, including the protection of actual or potential victims of anti-social behaviour, we consider the positive impact that support might have on victims of anti-social behaviour. We also consider the positive impact that support might have on perpetrators who might themselves be vulnerable.

Whilst each case turns on its own facts there may be scope for support in cases including, but not limited to, those directly or indirectly caused by drug use, alcohol use, mental health, learning difficulties, relationship breakdown and/or disability.

Support may take many forms. For example, it may assist tenants who are responsible for causing anti-social behaviour to sustain their tenancies. Supporting victims may involve looking at ways to mitigate the effects of anti-social behaviour whilst steps are taken to tackle the perpetrator(s) of the anti-social behaviour.

Effective interventions by specialist agencies can help ensure that key professionals are involved at an early stage to prevent or manage issues as they arise. Specialist agencies may include, but are not limited to, the local community mental health team, drug action teams, local drug and/or alcohol support organisations and local mental health services.

In cases involving young perpetrators there are often, although not always, problems with their family and/or school. In such cases we will try and identify the cause or causes of the young person's anti-social behaviour and we will consider involving their parent(s) or guardian(s) if appropriate. We will consider seeking information from the young person's school or other agencies such Targeted Youth Support Service, Start Well and/or Live Well. We can work along side these agencies to address the reasons for the ASB and support those affected by it.

We look to refer appropriate cases for assessments pursuant to s17 Children Act 1989 to identify whether a child is a 'child in need' necessitating the provision of services to that child and/or his/her family to meet those needs. In such cases we aim to finalise the assessment before specific enforcement action is taken where the circumstances of the case make it realistic to do so.

We look to use acceptable behaviour contracts with young perpetrators where we feel these are likely to be effective.

Whether perpetrators are adults or children we look to achieve long term changes in their behaviour and seek to prevent displacement of anti-social behaviour.

Multi-agency partnerships

Wigan Council does not work in isolation. We are part of the wider community and share the problems and challenges of our community. Often the causes of anti-social behaviour and the solutions to anti-social behaviour do not lie within the remit of a single organisation.

Partnership working is vital if we are to deal effectively with the incidence of, causes of and consequences of anti-social behaviour within our communities. Working in conjunction with

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other agencies and organisations gives us the best chance of swiftly and robustly targeting resources effectively with the aim of preventing anti-social behaviour and protecting our communities.

Multi-agency partnerships can provide a co-ordinated approach driven by specialist agencies which can support perpetrators to get any assistance they may need to support their rehabilitation whilst at the same time assisting victims to obtain the support they may need.

We work with a variety of partners under the umbrella of the Places and Community Safety Partnership Board. Partners coordinate their activities through the Partnership's steering group.

7. Confidentiality, Data Protection, and information exchange

Whilst we respect privacy and confidentiality and are mindful of our legal obligations under the Data Protection Act 1988, tackling anti-social behaviour requires robust information exchange between statutory and non-statutory agencies. We have agreed specific protocols for information sharing with several agencies including:

- Greater Manchester Police
- Member organisations of the Places and Community Safety Partnership Board
- Other private registered providers of social housing in the Wigan Council local government area

We will share information with other agencies where it is lawful to do so. The type of information which might be shared includes, but is not limited to:

- The nature and location of incidents of anti-social behaviour
- Personal information as to complainants and witnesses
- Details of convictions
- Current bail conditions or details as to the progress of a criminal case

The key aims of sharing and storing information where lawful to do so are to detect and prevent anti-social behaviour and to protect our communities.

When working with our housing management service, we have robust working arrangements in place covering procedures for information sharing / handling, monitoring complaints, and dealing with perpetrators.

Complainants may seek to provide information confidentially. This may be for a variety of reasons, for example because they are fearful of retaliation by the perpetrator if they are identified. Our policy is to seek permission before disclosing the identity of complainants and witnesses to perpetrators, their legal representatives, or other interested parties. Information relating to complainants and perpetrators may however be shared with other agencies for lawful purposes such as the purpose of preventing anti-social behaviour or crime.

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8. Transparency and publicity

The Wigan Council *'Policy and Procedure for Addressing Issues of Publicity in Anti-Social Behaviour Cases'* provides the framework within which we consider the use of publicity in order to pursue legitimate aims including, but not limited to, supporting and reassuring communities, informing communities of methods of reporting anti-social behaviour, informing communities of successful efforts to protect them and the prevention of anti-social behaviour by providing a deterrent effect to known and/or potential perpetrators of anti-social behaviour.

Publicity may take many forms including, but not limited to, media coverage, targeted leafleting or use of the internet including, but not limited to, the Wigan Council website, the and/or social media.

When considering whether to publicise and, if so, when, by what means and over what time period, we take account of the particular circumstances of each case and ultimately ask, in light of those circumstances, whether the proposed publicity is necessary and proportionate having regard to the identified aims of the publicity.

9. Cross-tenure working

Our aim is to deliver a consistently high standard of service which manages enquiries and complaints appropriately regardless of tenure and which works effectively with our partners.

Wigan Council, and our partners in the Places and Community Safety Partnership aim to tackle anti-social behaviour effectively irrespective of whether the complainant(s) or perpetrator(s) are tenants of Wigan Council, tenants of another social housing provider, tenants of a private landlord, owner occupiers or a mixture of tenures (or those living with or visiting tenants or owner occupiers).

We aim to deliver our objectives by applying this statement of policy and delivering outcomes using a range of tools including involvement in the Places and Community Safety Partnership, multi-agency partnerships and information sharing with other organisations.

10. Protection of staff

Wigan Council have policies addressing the welfare of their staff and individuals who are not their staff but who are employed in connection with the exercise of Wigan Council's housing management functions. This includes, but is not limited to, situations where staff are verbally or physically abused, intimidated, or threatened.

Wigan Council will not tolerate anti-social behaviour directed towards staff or anti-social behaviour committed in the presence of staff. We will take a robust approach to such incidents and will look to take proportionate enforcement action against perpetrators in such circumstances to protect our staff wherever appropriate. This may include, but is not limited to, the use of injunctions (with or without powers of arrest) and/or possession proceedings and/or referral of conduct to the police for investigation.

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11. Training of staff dealing with anti-social behaviour

We train our staff to be confident and knowledgeable so that they can identify and investigate anti-social behaviour and take appropriate action.

We review the training provision for staff using processes including, but not limited to, regular one to one conversation between staff and managers and Quality Assurance through the dip sampling of cases.

12. Information on other relevant policies

Other policies of Wigan Council may be relevant to anti-social behaviour. Key examples include:

- Wigan Council's Allocation Policy
- Wigan Council's Enforcement Policy relating to criminal prosecutions
- Safeguarding Adults Policy

13. Further Information

Further information regarding Anti-Social Behaviour including:

- What is Anti-Social behaviour?
- How to Report Anti-Social Behaviour
- Good Neighbour Guide
- How to Ask for an ASB Review (Community Trigger)

Can be found on the Wigan Council website at:

<https://www.wigan.gov.uk/Resident/Crime-Emergencies/ASB/Index.aspx>