

CITY OF LINCOLN COUNCIL
ANTI-SOCIAL BEHAVIOUR POLICY

Contents

1. Vision
 2. Policy summary
 3. Introduction
 4. Aims
 5. Scope
 6. Policy statement
 7. Publicity
 8. Service structure
 9. What is anti-social behaviour?
 10. Our response to anti-social behaviour
 11. Recording of reports
 12. Investigation of reports
 13. Tools and powers
 14. Going to court
 15. Support for victims and witnesses
 16. Support for perpetrators
 17. Closing cases
 18. Seeking complainants'/victims' views
 19. The community trigger
 20. Strategic management
 21. Oversight
 22. Information sharing
 23. Legal framework
 24. Relevant policies/published documents
 25. Monitoring/Review
 26. Policy tracker
-

1. Vision

To provide an effective, trusted, fair and consistent service which is accessible for all victims of anti-social behaviour regardless of tenure.

2. Policy summary

Service commitments	
Our response	
Making a complaint	We will assess the level of risk to each victim
Recording of complaint	We will record all complaints consistently and securely
Investigation of complaints	We will investigate all reports of anti-social behaviour without bias and clearly communicate actions and/or intentions to victims/witnesses
Tools and powers	We will use our powers proportionately and incrementally with a focus on long term resolutions to ASB
Going to court	We will support victims and witnesses through the process
Closing cases	We will consult the victim in all cases
Seeking your views	We will seek views from all who engage the service in order to improve the service

3. Introduction

- 3.1 Anti-social behaviour was a phrase that began to emerge during the 1990s, with the first statutory reference and definition provided by the Housing Act 1996, which states that anti-social behaviour (ASB) is 'Engaging in or threatening to engage in conduct causing, or likely to cause nuisance or annoyance to persons engaged in lawful activity'. The Crime and Disorder Act in 1998 defined ASB as 'acting in a manner that caused, or was likely to cause, harassment, alarm or distress to persons not of the same household'.
- 3.2 Both the Acts mentioned above and numerous subsequent Acts led to the creation of more than 19 powers that were directly designed to deal with anti-social behaviour. However, a system that was initially designed to be easy to access and predominantly within the civil courts, began to alter as cases set precedent. Over time anti-social behaviour shifted to criminal courts and powers became difficult to access.
- 3.3 In 2012 the government conducted a wide-ranging review of anti-social behaviour tools and powers which resulted in the production and presentation to parliament of a white paper entitled 'Putting Victims First - More Effective Responses to Anti-Social Behaviour'. In the Home Secretary's speech to Parliament on introduction of the paper, anti-social behaviour was said to mask a 'range of nuisance, disorder, and crime which affects people's lives on a daily basis'. The impact of such behaviour was said to be huge and affecting millions of people in this country. This paper subsequently led to the introduction and enactment of the ASB, Crime and Policing Act in March 2014. The introduction

of this Act led to sweeping reforms to the tools and powers available to tackle ASB and was designed to provide both swifter and more flexible action, along with ensuring that the victims' voices were heard.

- 3.4 The City of Lincoln Council (hereafter referred to as we/us/our) and its partners recognise the impact of anti-social behaviour on victims, and that the most effective resolution is to effectively deal with and stop, the behaviour. This policy also recognises that each victim is different and that ASB can affect people in different ways and to differing extents, particularly where the victim may be vulnerable or feel as though they are targeted for a particular reason.

4. Aims

- 4.1 By way of implementation of our strategy, this policy and subsequent service delivery, we aim to provide an environment where those living, visiting, and working within the city of Lincoln do not fear anti-social behaviour, and show confidence in our multi-agency response.

- 4.2 The aims within our corporate ASB strategy are to

- respond to complaints promptly (against established targets, to be reported to elected members)
- provide effective enforcement
- support and reassure victims and communities
- prevent anti-social behaviour where possible
- provide a consistent response to anti-social behaviour
- Consolidate and improve partnerships to impact positively on ASB issues.

Our corporate priorities for 2012 - 2017 are as follows;

- Growing the local economy;
- Protecting the poorest people in Lincoln;
- Increase the supply of affordable housing.

5. Scope of this policy

This policy applies to all people living, visiting and working within the City of Lincoln Council's boundaries or, where stated, tenants of City of Lincoln Council in its capacity as a social housing landlord.

6. Policy statement

- 6.1 This policy is designed to inform members of the public what they can expect from us in terms of its handling and response to issues of anti-social behaviour. We are committed to providing all people living, visiting and working within the City of Lincoln with a high standard of service, irrespective of age, gender, race, sexual orientation, disability, religion, belief or housing tenure.

- 6.2 This policy also makes clear the type of behaviour that can be effectively tackled as anti-social behaviour.
- 6.3 Whilst we recognises our differing roles, both as a landlord and a local authority, this policy sets out clearly the standards of service that all can expect in response to reports of anti-social behaviour. Where additional provision is made for council tenants, due to their relationship with us, as their landlord, this will be clearly stated. We support and align ourselves to the Respect ASB charter for housing.
- 6.4 We also acknowledge our role as a part of a wider partnership with responsibility for tackling anti-social behaviour alongside key partners, including the police, health services and others. We have a broader responsibility in terms of partnership working surrounding crime and disorder more generally, which obviously has broad links with ASB, and this work is manifest in delivery of projects by the our anti-social behaviour services and through activities such as the Lincolnshire Community Safety Partnership.
- 6.5 Issues relating to safeguarding, domestic abuse, mental health, lack of community cohesion, violence and extremist views can often be present in relation to anti-social behaviour and therefore services are acutely aware of, and actively involved in, partnership working to tackle these issues.

7. Publicity

- 7.1 This document will be published, following approval by the Executive Committee, on our website. Residents of Lincoln will be informed of the existence of this policy through local media along with our own publications such as 'Your Lincoln' or 'Home' magazine. Alternative formats will be made available on request, from the Public Protection and Anti-Social Behaviour Team, City Hall, Beaumont Fee, Lincoln, LN1 1DD, 01522 873378 or email: ppasb@lincoln.gov.uk
- 7.2 We will take an active approach to publicising action taken in response to anti-social behaviour, where this presents no risk to individuals involved and is deemed of benefit to the wider community.

8. Service structure

- 8.1 Our response to anti-social behaviour is managed through both the Directorate of Communities and Environment (DCE) and the Directorate of Housing and Regeneration (DHR). The DCE is responsible for the corporate public protection and anti-social behaviour service (which holds general responsibility for the authority's response to anti-social behaviour). Whilst the DHR is responsible for housing services, which is responsible for the management of council housing tenancies and stock.
- 8.2 We have a statutory responsibility to work with others to tackle crime and disorder in our local area, along with a range of tools and powers available to the Council to deal directly with anti-social behaviour issues. We have a wide remit in relation to this which not only involves directly responding to complaints from members of the public, but also a responsibility to monitor crime and ASB

levels and to implement tactical interventions to tackle broader issues. An example of this would be the recent introduction of a Public Space Protection Order in response to high levels of police incidents and linked crime relating to alcohol and new psychoactive substances (NPSs).

8.3 We also have a clear role in our capacity as a landlord. There are currently around 7,800 properties in the city owned and managed by us in our capacity as a social landlord. Our relationship with tenants is covered by a tenancy agreement, which contains conditions relating to individuals' behaviour, both within and in the immediate vicinity of their property; and is an additional tool which can be applied to the most serious cases of anti-social behaviour. This Policy ensures a risk based approach to dealing with anti-social behaviour.

9. What is anti-social behaviour?

9.1 The introduction of the ASB, Crime and Policing Act in 2014 reaffirmed the definitions that relate to anti-social behaviour and, for the first time, recognised the differing levels of impact that are felt dependent upon whether the ASB is suffered within the home or within the wider community. The new Act defines anti-social behaviour, where it is suffered in one's own home, as behaviour that has the ability to cause nuisance and annoyance, similar to the definition contained within the Housing Act. Where ASB affects a person in the wider community the definitions of harassment, alarm, or distress, stand; however it no longer distinguishes between households, meaning one could now be affected by the anti-social behaviour of someone within the same home as oneself.

9.2 The national understanding of ASB has also been broadened to include what has traditionally been known as 'enviro-crime' and introduces new powers with thresholds that relate to the impact upon a person's quality of life.

9.3 In understanding and interpreting the definitions of anti-social behaviour the authority must be realistic and proportionate in the action it takes, and the scope of complaints it deals with. Community or individual tolerance is recognised as a contributor to complaints and the expectation for local authorities and partners to respond to behaviours that may not fit with individual lifestyles or community expectations can be significant. Our officers need to have the confidence to challenge perceptions that certain behaviour constitutes anti-social behaviour where they feel complaints may be unreasonable. However, this must be done sensitively and in consultation with the victim (complainant).

9.4 Anti-social behaviour can include (but is not restricted to) the following types of issues:

- Harassment;
- Intimidation;
- Noise nuisance;
- Abusive or insulting behaviour;
- Violence or threats of violence;
- Vehicle nuisance (noise, damage, abandonment).

Examples of environmental ASB issues could include

- fly-tipping;
- accumulations of waste;
- animal nuisance;
- accumulation of faeces;
- filthy/verminous conditions.

Anti-social behaviour is not

- children playing;
- isolated gatherings or single noise incidents;
- temporary works or DIY home improvements.

9.5 We will make individual assessments of each case, and the above should be taken as a guide only. Persistence, damage, or regular inconsiderate acts could lead to many types of behaviour becoming 'anti-social'.

10. Our response to anti-social behaviour

10.1 We are committed to providing all people living, visiting and working within the City of Lincoln with a high standard of service regardless of tenure, as follows.

10.2 What people reporting anti-social behaviour can expect of us

Subject to 9.4 above, everyone making a complaint of anti-social behaviour can expect us to:

- take the matter seriously;
- explain what we can do and what we cannot do;
- deal with the matter in accordance with this policy statement and its associated operational procedures.

10.3 What we expect of people reporting anti-social behaviour to us

If someone reports anti-social behaviour and we agree to investigate the complaint and if necessary, take action to stop the anti-social behaviour, we expect complainants and witnesses to co-operate with us in our investigations and by providing, as best they can, evidence of the anti-social behaviour on the understanding that, without evidence, it will be very difficult to secure a successful outcome to their complaint".

10.4 Making a report of ASB

Incidents of anti-social behaviour may be reported to us in a variety of ways, including:

- in writing by letter or email;
- in person at any of the council's offices;

- by telephone during the day;
- in person to front line staff such as customer services assistant and housing officers;
- to caretakers and other site-based staff.

10.5 All persons making a report of anti-social behaviour will be subject to an initial risk assessment. This assessment is completed for the following reasons:

- To understand the regularity of ASB;
- To understand the individual's circumstances and the impact this may have (would they be considered as vulnerable?);
- To understand if the case may link to a hate crime;
- To enable us to react correctly, according to the type and severity of the incident being reported.

10.6 Where individuals are identified as carrying a high level of risk, a full risk assessment will be completed which will make a more detailed assessment of the above factors. This assessment will produce a score that will guide the officer in charge in relation to their handling of the case. High risk victims must be referred immediately to our Anti-Social Behaviour Risk Assessment Conference (ASBRAC), a partnership group dealing with the most serious cases of ASB across Lincoln.

10.7 Following an initial assessment, at point of complaint, the case will be allocated to an officer (the 'officer in charge') who will have responsibility for creating an action plan in conjunction with the victim. This can be a simple few sentences drafted on the file, and verbally agreed, or developed as a formal written document. This is proportionate to the issue. It explains the steps to be taken in order to progress the complaint and a copy is sent to the complainant within three working days.

11. Recording of reports

11.1 All reports across the authority will be logged on a single system (Authority Public Protection or 'APP') to ensure that officers are aware of full histories relating to particular complaints. Every complaint made to us will carry a unique reference number, which will be quoted on all correspondence, along with having a stated single officer in charge throughout the duration of the case. This person will be made known to the complainant and they will be given the contact details of the lead officer.

11.2 Where persons are assessed as 'high risk', along with automatic referral to the ASBRAC, the case must also be placed on the multi-agency ASB system, Sentinel. This system is accessed by relevant partners who have a role to play in tackling anti-social behaviour and it ensures that those responding to complaints have access to information they may require. Records will be held and disposed of in accordance with our retention and disposal policy.

12. Investigation of reports

12.1 We will approach all reports without bias or preconception. Investigations of complaints may involve the sharing of, or access to, partner information relating to the individuals or complaint. Investigatory techniques could include

- diary sheets (to be completed by the complainant);
- assessment of police/partner incidents/information;
- visiting all parties;
- interviewing witnesses/complainants/perpetrators;
- conducting 'letter drops' for corroborating information;
- patrols;
- covert/overt monitoring;
- the gathering of pictures/images/CCTV.

12.2 Things we generally cannot do include

- acting without any evidence;
- immediately evicting people from their homes (except for cases of the utmost severity, where closure orders may be used)
- move victims of anti-social behaviour (Unless clear risk is identified)
- install CCTV on-street or in homes (Only in cases of the utmost severity and where we have the power to do so under RIPA)

12.3 The complainants will be kept up to date throughout the course of the investigation and will be consulted prior to action being taken.

12.4 If an alleged perpetrator makes counter-allegations against the original complainant a separate case will be opened and investigated accordingly.

13. Tools and powers

13.1 We will consider all reports of anti-social behaviour as serious until assessed, and we will then progress a proportionate response. We will utilise powers available to us in the development of the response, but where appropriate we will utilise legal enforcement powers.

13.2 The action taken could include the following:

- Mediation;
- Victim advocacy services;
- Diversionary activities;
- Warnings;
- Acceptable behaviour contracts;
- Neighbour agreements;
- Civil injunctions(county court injunctions);
- Statutory notices;
- Community protection notices;
- Criminal behaviour orders;
- Public space protection orders;
- Fixed penalty notices;

- For council tenants (dependent upon the severity) the following options are also available:
 - Application to the county court for an outright possession order, leading to eviction;
 - Application to the county court for a suspended possession order;
 - Application to the county court for a demotion of the tenancy to an introductory one;
 - Introductory tenancy extension.

13.3 The tools available to tackle anti-social behaviour are varied and can be adapted to fit different situations. It is important to note that not all interventions are legal remedies, and in fact it is generally expected that alternative measures such as warnings or agreements will be attempted before any legal action is taken. In some cases, mediation may also be offered along with other services such as victim advocacy. These measures apply in all but the most serious cases of ASB, where immediate legal action may be required in order to provide protection for victims and witnesses. In instances other than where a high level of risk our response to reports of ASB will be to use an incremental approach.

14. Going to court

Where cases do reach the stage that court action is required it is recognised that this can often be difficult for many complainants. These stages often require the victims or witnesses to reveal their identity in court and to the alleged perpetrators. We are committed to providing relevant and appropriate support which can include

- victim support;
- evidence via video link;
- evidence from behind screens;
- submission of hearsay evidence (not possible in all cases);
- target-hardening (panic alarms etc).

15. Support for victims and witnesses

Subject to resources and/or the availability of external support, the needs of the individual, their known vulnerabilities and the circumstances of the case, we will offer support to victims and witnesses during the life of the case. We will also offer support for a period after a case has been closed if, again, the circumstances, resources and the individual's needs and known vulnerabilities suggest that that is necessary.

16. Support for perpetrators

While the needs of victims and witnesses will always be given priority, we are aware of the positive impact that support might have on perpetrators. We also recognise that some perpetrators may themselves be vulnerable, disabled or suffering from an illness or condition. We acknowledge our responsibilities

under the Equality Act 2010 and will seek to identify and offer or direct to, support for those who have protected characteristics and otherwise vulnerable perpetrators of anti-social behaviour. As part of our anti-social behaviour process we will carry out assessments to identify any indicators of vulnerability, disability, mental illness or addiction, which may affect the perpetrator's behaviour. Indicators might include:

- information that the perpetrator has a diagnosed condition, disability or illness;
- the presence of support from probation, social services, mental health team and any other statutory or voluntary support provider;
- a person's inability to read or write;
- their housing history and any links with the care system or supported housing provision;
- observing behaviour that may indicate a degree of vulnerability, disability or mental illness such as hoarding, erratic behaviour, unpredictability, paranoia etc.

17. Closing cases

17.1 Cases will only be closed following contact with the complainant unless reasonable effort has been made to contact the victim with no success. Cases may be closed without agreement, however, but complainants should be advised as to how they can challenge this decision by writing to the next most senior officer, to the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter if an individual remains dissatisfied they can use the Council's complaints procedure

17.2 We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence of the anti-social behaviour.

18. Seeking complainants'/victims' views

Following closure of a complaint of anti-social behaviour, complainants/victims will be asked to complete a customer satisfaction return. This can be done via the post, over the phone or in person, dependent upon the level of returns and demand against the service. This information will be used to improve service delivery, assess the accessibility of the services, and provide an opportunity for complainants/victims to report dissatisfaction to a senior officer and discuss the case with them.

19. The 'community trigger'

19.1 The introduction of the ASB Crime and Policing Act 2014 introduced a provision named the 'community trigger'. This provision provides an avenue of recourse for complainants who feel that their reports of anti-social behaviour have not

received a satisfactory response. In order to access this provision complainants must have reported three separate incidents, or the same incident being reported by three separate persons, and the response has been considered to be inadequate. The reports must also be made within one month of the incident itself and the request for the case to be reviewed within six months of the final complaint.

- 19.2 The community trigger then requires that a multi-agency group review the history of the case and, where appropriate, make recommendations for service improvements. The group will involve members from organisations who are independent of the investigation of the case to date. The results of the review are also communicated directly to the complainant(s). An annual report on community triggers will be provided by the Police and Crime Commissioner for Lincolnshire, and the process is overseen internally by the public protection and anti-social behaviour service. If persons are unsatisfied with how their review is handled, they can lodge appeal with the Chair of the Councils Crime and Disorder Scrutiny Committee, who will be an elected member of the council.

20. Strategic management

- 20.1 We, as a corporate body, have a broader responsibility in relation to crime and disorder. We are a member of the Lincolnshire Community Safety Partnership, whose role it is to ensure that trends, patterns and local community safety issues are prioritised and tackled in partnership at the highest local level. The partnership, having identified priorities, then acts on these through a hierarchy of targeted working groups within a practical structure. We are committed to playing a key role in this partnership work, and have officers working at every level.

- 20.2 Specifically in relation to Lincoln, trends, patterns and local issues are identified through a number of channels which may include:

- internal statistical data;
- partnership statistical data;
- community groups/tenants' and residents' associations;
- multi-agency groups.

- 20.3 Where issues are identified that might affect entire areas, as opposed to individuals, we are committed to working with partners to seek solutions or options to minimise the impact caused by any anti-social behaviour.

21. Oversight

- 21.1 Operational oversight of individual cases of anti-social behaviour will be provided by the line manager responsible for the officer in charge of that particular case. For the purposes of the investigation, this role will be known as 'senior investigating officer' (SIO) and will generally be the officer's immediate line manager.

- 21.2 Corporate oversight of anti-social behaviour services will be discharged by the Public Protection and ASB Manager, who will have responsibility for monitoring and implementing national legislative changes, case law and best practice which may stem from revised national guidance or serious case reviews. This officer will also represent the council in respect of local, regional or national anti-social behaviour and community safety matters. This work is to be conducted in close liaison with the tenancy services manager, who retains operational responsibility for the delivery of housing services.
- 21.3 Strategic oversight will be provided by the Assistant Director for Communities and Street Scene, who will be responsible for attendance and engagement with the Lincolnshire Community Safety Partnership and other relevant strategic bodies. Strategic oversight is also provided by the Assistant Director for Housing, who will also sit on any relevant strategic housing groups.
- 21.4 Leadership, along with overarching responsibility, will be provided by the Strategic Director for Housing and Regeneration, along with the Strategic Director for Communities and Environment.

22. Information sharing

- 22.1 Generally, the information-sharing activities conducted in response to community safety issues, such as ASB, will be delivered in line with the requirements laid out within the Lincolnshire Community Safety Partnership information-sharing agreement, of which the council is a signatory.
- 22.2 The ASBRAC information-sharing process is governed by the ASBRAC information-sharing agreement, of which the council is a signatory.
- 23.3 We respect individuals' rights to privacy and will adhere to all relevant legal principles in relation to information sharing and document management. We will update complainants of any action we take in response to their complaints, where this is not legally privileged information. We will not disclose details of complainants unless required to do so by law. In cases of neighbour disputes, for example, the risk that people may suspect they know the source of complaints will be outlined to the complainant. Where serious cases progress to court, it will generally be necessary for people to provide evidence which would identify them and this will be explained to the complainant.

23. Legal framework

This document has been drafted in compliance with the following Acts:

- Human Rights Act 1988
- Data Protection Act 1998
- Equality Act 2010
- Housing Act 1985 (as amended)
- Housing Act 1996
- Crime and Disorder Act 1998
- ASB, Crime and Policing Act 2014

- Police Reform Act 2002

24. Relevant policies/published documents

Policies/published documents which may be relevant to the application of this document are:

- ASB, Crime and Policing Act statutory guidance;
- The Lincolnshire community trigger process;
- City of Lincoln anti-social behaviour strategy;
- City of Lincoln Council domestic abuse policy;
- City of Lincoln safeguarding policy
- Lincolnshire anti-social behaviour policy;
- Lincolnshire ASB delivery plan;
- Lincolnshire CSP ISA;
- Lincolnshire ASBRAC ISA

25. Monitoring/Review

25.1 Anti-social behaviour services are the responsibility of the Portfolio Holder for Public Protection and Environmental Services. Housing Services generally are the responsibility of the Portfolio Holder for Housing.

25.2 Monitoring of our services is provided by democratically elected members. The Crime and Disorder Act places a requirement on local authorities to review crime and disorder issues annually. The Crime and Disorder Scrutiny Committee delivers this requirement on behalf of the authority and as a part of this role, conducts oversight of anti-social behaviour services.

25.3 This policy will be reviewed biennially in conjunction with the relevant portfolio holders.

26. Policy tracker

Policy tracker				
Authors	Responsible director	Responsible portfolio holder	Version	Date implemented
Public Protection, ASB and Licensing Service Manager	Director Communities and Environment	Public Protection and ASB Portfolio Holder	2.0	
Tenancy Services Manager	Director Housing and Regeneration	Housing Portfolio Holder		

