

# **ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE**

**MAY 2024**



## **1. AIMS AND OBJECTIVES**

To provide a service that's helps reduce and prevent Anti-Social Behaviour within the Borough of Telford & Wrekin and to ensure communities are safe places to live for all.

## **2. DEFINITIONS OF ANTI-SOCIAL BEHAVIOUR**

The Council adopts the definitions of anti-social behaviour as outlined in the Anti-social Behaviour, Crime and Policing Act 2014;

### **a) Non–Housing Related Anti-Social Behaviour**

For anti-social behaviour in a non-housing related context anti-social behaviour is considered to be conduct that caused, or is likely to cause harassment, alarm or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre, shopping centre, or local park, and where the behaviour does not necessarily affect the housing management functions of a social landlord.

### **b) Housing Related Anti-Social Behaviour**

For anti-social behaviour in a housing context; anti-social behaviour is considered to be conduct that is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing related nuisance or annoyance to any person.

The Council will also consider any anti-social behaviour definitions as stated in an individual's tenancy agreement or lease with the Council when taking actions to manage anti-social behaviour.

### **a. Types of Anti-Social Behaviour**

Anti-social behaviour can mean different things to different people and may or may not include criminal activity. We will take action to investigate reports made by residents, visitors, our employees and contractors. We will also accept referrals from third parties such as a Local Councillor, Member of Parliament, West Mercia Police and other departments within the Council.

Types of behaviour that the Council may consider to be anti-social include;

- i. Hate crimes / Hate Incidents
- ii. Use or threatened use of violence
- iii. Repeated abusive language or behaviour
- iv. Harassment
- v. Damage to property
- vi. Domestic abuse
- vii. Noise nuisance
- viii. Nuisance begging
- ix. Fly tipping

## x. Graffiti

This list of types of anti-social behaviour the Council will investigate is not exhaustive and this policy is not an undertaking to act in every such circumstance. Officers of the Council will, in all reported cases, exercise their judgment in order to establish an appropriate response to the report of anti-social behaviour including what has happened, the harm caused or risk of harm, the frequency of incidents, the evidence available and any known vulnerabilities of the people involved.

### b. What the Council will not investigate

The Council is committed to developing and supporting cohesive communities across the borough and expects a reasonable level of tolerance between neighbours and others within our communities. Residents, are encouraged, where possible, to try to resolve their disputes themselves without the need for the Council to be involved. Officers will seek to make a fair evaluation on whether complaints made are reasonable and are determined to constitute alleged anti-social behaviour. If the team cannot investigate a complaint, they will pass it to the most relevant service or partner to investigate.

## 3. REPORTS OF ANTI-SOCIAL BEHAVIOUR

Reports of Anti-Social Behaviour can be reported to the council on the ASB Reporting line on 01952 384384 or email [envmaintcs@telford.gov.uk](mailto:envmaintcs@telford.gov.uk)

After the Council receive a report of ASB, the complainant may then be asked to complete a diary sheet (if the complaint concerns a neighbour dispute or noise from a neighbouring property).

Following receipt of any diary sheets a decision will be made, as to the best way to proceed. For example, in cases of verbal abuse we may consider utilising sound monitoring equipment. You may be also asked some additional questions, so that the level of risk from the behaviour occurring is assessed.

Cases may be discussed with partner organisations i.e., police, fire, housing providers, to see if they are also investigating any issues relating to the same individuals/locations. Once evidence has been gathered, consideration could be given to the use of the enforcement powers which are available to the Council as outlined in Section 2.

The complainant/victim will be kept updated by the relevant officers in terms of any planned action to be taken and any discussions or meetings that are taking place regarding their case. Registered Social Landlords do have powers under the Anti-social Behaviour, Crime and Policing Act 2014 that they can utilise so, if you feel you are a victim of ASB and live in a property that is managed by a social landlord or you want to complain about a tenant of a social landlord you need to report your issues directly to them. The police also have the same powers under the Anti-social Behaviour, Crime and Policing Act 2014 Act and ASB can be reported to the police via their non-emergency number 101.

The team will look at the report of anti-social behaviour and decide if we are able to support an investigation, we will then contact the reporter to advise on the outcome. If we cannot investigate we will pass this to the relevant partner to investigate.

If a report comes in as anonymous the team can investigate the complaint but they will not be able to give an update or ask for further information if it is needed.

## **4. ANTI-SOCIAL BEHAVIOUR INVESTIGATIONS AND POWERS**

### **No Action**

In some cases, no action will be taken. This will be because there is little or no evidence that the behaviour being reported constitutes ASB or where the alleged offender has co-operated with what has been required of them.

The ASB Team also recognise that individuals have different tolerance thresholds, so we would expect both parties to work together before issues escalate and a complaint is made. We will take a common sense approach when we receive complaints of ASB.

### **Letters and or Word of Advice**

Occasionally a letter or phone call with an alleged perpetrator of low level ASB is all that may be required to resolve some issues. The perpetrator will be informed of the nature of the complaint about them; along with potential consequences should their behaviour continue or escalate.

### **Acceptable Behaviour/ Parenting Contracts**

These are voluntary written agreements between an individual and the Council. They are helpful in dealing with children aged 10 plus in relation to ASB. These agreements are not legally binding however, they are useful in highlighting children's behaviour to their parents and letting them know the consequences if they are not adhered to which, can then result in other consequences to the child or parent.

### **Community Protection Warning Notices and Community Protection Notices**

The Community Protection Notice (CPN) is intended to deal with, unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life, by targeting those responsible and they can be served on anyone over the age of 16.

A Community Protection Warning must be served before a full CPN can be issued. Positive requirements and prohibitions can be included in both the CPN Warning and the Community Protection Notice and will include reasonable timescales for certain actions to be carried out or behaviours stopped. These notices can be posted, but we will try and serve them in person so the individual fully understands the notice given to them.

If a breach of the initial warning letter occurs, evidence will be gathered to prove a breach has occurred and a full Community Protection Notice will then be considered. Failure to comply with a CPN is a criminal offence. If the full notice is subsequently breached; a Fixed Penalty Notice (FPN) will be issued to the individual or business.

The council will then monitor whether the fines have been paid and will notify the Legal Team if no payment has been received within the 14-day period. In certain cases, individuals or businesses may be asked to cover costs of any remedial work undertaken. There is no expiry date on Community Protection Notices or Community Protection Warning Notices, but these should be reviewed every 6 months. Reminder letters can also be sent to

perpetrators should a significant amount of time pass and there be a risk of the perpetrator reoffending.

## **Civil Injunctions**

This is a court order to stop or prevent individuals engaging in ASB. It can be used to stop issues escalating and positive requirements can be added to encourage the perpetrator to change their behaviour. Injunctions can be used for anyone from the age of 10 years old. For juveniles, the Youth Offending Team must be consulted before an injunction is sought from the courts.

Any breach of an injunction can result in a fine or imprisonment for up to 2 years for over 18s. For children under 18 the court can issue a supervision order or detention of up to 3 months.

The council wouldn't consider the use of an injunction at the start of investigation, unless there were threats of violence made and that it was a proportionate power to utilise.

## **Public Spaces Protection Orders (PSPOs)**

This order imposes conditions which may include multiple restrictions and requirements either throughout the Borough or in specific areas for example parks or communal areas, where ASB is being caused and is detrimental to the community. They are designed to ensure that most people can enjoy public spaces and feel safe. For example, restrictions can be imposed around the consumption of alcohol, noise, or dogs. A breach of a PSPO can result in prosecution.

## **Closure Powers**

This can be used by the ASB team where there are high levels of nuisance, disorder or illegal activity either currently ongoing or expected imminently. A Closure Notice can be served immediately closing the property for 48 hours. The ASB team then may seek a full or partial closure for up to 6 months to try and stop the issues.

**The following section applies only to existing and prospective tenants.**

## **Introductory tenancies.**

All new tenants have introductory tenancies. The use of introductory tenancies enables easier repossession of the property during the first 12 months of the tenancy where there are grounds for eviction. The tenant has the right to seek a review of the decision to seek possession, which must be carried out within the statutory framework. The use of introductory tenancies in Telford & Wrekin provides a strong message to both new and existing tenants that ASB will not be tolerated.

## **Extension of introductory tenancy**

Where there are continuing doubts about the conduct of a tenant, for example, if complaints have been received about ASB, the introductory tenancy period may be extended for an additional 6 months. The tenant may request a review of this decision.

## **Demotion of tenancy**

Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants and can be a precursor to possession of the property. If a secure tenancy is demoted for a period of one year, the tenant has some rights reduced such as the 'Right to Buy' and possession during this period is easier. Demotion orders are a serious warning to tenants that if the ASB continues swift action can be taken to seek possession of their home.

### **Possession proceedings**

This is court action that can lead to Council tenants being evicted from their homes. Before this stage is reached the tenant(s) involved will have had several warnings to stop their behaviour. Evicting people from their home is a very serious matter and this power will only be used in the most serious of cases.

### **Absolute ground for possession**

The ASB, Crime and Policing Act 2014 introduced a new absolute ground for possession of secure tenancies where serious ASB or criminality has already been proven by another court. This means that Telford & Wrekin will no longer need to prove that it is reasonable to grant possession and the court must grant possession providing set procedures have been followed, and subject to any human rights or public law challenge.

### **Right to Buy**

The Housing Act 2004 contains measures to prevent anti-social secure tenants from buying their home under the 'Right to Buy'. These circumstances include when there is a possession order in force on the property whereby the landlord can apply to the court asking for the 'Right to Buy' to be suspended because of ASB. The court will stipulate for how long the 'Right to Buy' is suspended.

## **5. ANTI-SOCIAL BEHAVIOUR CASE CLOSURE**

Once an outcome of case has happened, we will let the complainant know of the outcome of the case, we can't guarantee the timeframe as every case will be different and we want to ensure we do our best to affect an outcome.

## **6. CROSS TENURE ISSUES**

This policy applies to reports of anti-social behaviour affecting the Council's landlord housing management function and to reports of anti-social behaviour in the private sector i.e. involving home owners, private tenants and anti-social behaviour that takes place in an area where there is no link to the housing management function of the Council, another Local Authority area or a social housing provider.

There will be times when reports of anti-social behaviour will need to involve other Local Authority areas or social housing providers because either the complainant or the alleged perpetrator are tenants of that organisation. When these types of reports are made to the Council the ASB Investigating Officer will discuss with the relevant organisation who will take a lead role in coordinating specific actions and this information will be shared with everyone involved in the anti- social behaviour report.

## **7. EXPECTATION OF OUR TENANTS**

The Council expects our tenants to act responsibly, respect others and not to engage in anti-social or criminal behaviour. We consider that our tenants are responsible for their own behaviour, the behaviour of those people who live with them and the behaviour of people who visit their property. Informal and/or formal action may be taken against a tenant to address the behaviour of others who live with them or visit their property.

## **8. SUPPORT FOR RESIDENTS AND WITNESSES**

If support is needed for residents we will look at referring to supporting agencies, this could include, early help services, Women's aid or any other appropriate agency.

## **9. PUBLICITY**

The ASB team report outcomes on a monthly basis any can found in the ASB section of the Telford and Wrekin Council website.

## **10. MULTI AGENCY WORKING / REFERRALS TO OTHER AGENCIES**

The ASB team may at time to time refer or discuss complaints with other partner agencies. The complainant will be advised of this before it is done.

High Risk cases can referred for an ASBRAC (Anti-Social Behaviour Risk Assessment Conference) these are normally those which score 26 or more on the Risk Assessment Matrix, although in some cases local discretion/professional judgment will be taken into account in determining if a case scoring lower should be referred.

We are also part of the Safer Telford and Wrekin Partnership Community Trigger which designed to deal with anti-social behaviour, this can be motivated by hate and therefore the Community Trigger included reports of hate incidents or crimes.

Partner agencies will include Telford & Wrekin Council, West Mercia Police, Registered Social Landlord, and Telford Clinical Commissioning Group. Other partner agencies may be included depending on the case.

You can make complete an online form to make a complaint [Introduction - Anti social behaviour - Telford & Wrekin Council](#)

## **11. INFORMATION SHARING AND CONFIDENTIALITY**

We will treat all information received with the strictest of confidence. It is important to understand that in certain circumstances we may have a legal obligation to share relevant information with other statutory agencies e.g. if there is a serious safeguarding concern.

Anti-Social Behaviour information is recorded on a secure case management system and case files are stored securely. Data is held in accordance with the Council's data retention and destruction schedule.



We have a duty to share information with relevant agencies as defined in the Crime and Disorder Act 1998. We will share information with accordance to the Data Protection Act 2018 and data sharing principles.

## **12. AVAILABILITY OF THE ANTI-SOCIAL BEHAVIOUR POLICY AND Procedures**

A copy of this Anti-Social Behaviour Policy can be found on the Council's website [Introduction - Anti social behaviour - Telford & Wrekin Council](#)

Please contact the Anti-Social Behaviour Team if you require a translated copy of the Statement and Summary or a copy in an alternative format (i.e. Braille and large print).

## **13. REVIEW OF POLICY AND PROCEDURES**

This policy and procedures statement will be reviewed periodically or in line with changes in relevant legislation.

## **14. COMMENTS AND COMPLAINTS**

If anyone is dissatisfied with the anti-social behaviour service they have received they may make a complaint to the Council, which will be fully investigated.