

POLICY FOR ANTI SOCIAL BEHAVIOUR AND BREACHES OF TENANCY 2021

PUBLIC HEALTH SERVICES
NEIGHBOURHOOD TEAM



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County Council



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CARMARTHENSHIRE COUNTY COUNCIL
POLICY FOR ANTI SOCIAL BEHAVIOUR AND BREACHES OF TENANCY 2021
PUBLIC HEALTH SERVICES – NEIGHBOURHOOD TEAM

Purpose

This policy sets out the approach to be adopted by the Neighbourhood Team in Environmental Protection with regards to dealing with complaints of anti-social behaviour and tenancy issues relating to Council Housing properties only. This will include taking formal action against council tenants that are causing antisocial behaviour to other tenures in the area.

Scope

The principles and terms of this policy will apply to the Safer Neighbourhood Team. The team will ensure ASB or breaches of tenancy are investigated in accordance with legal requirements, and will comply with the following principles:

Proportionality – any action that we take will relate to the seriousness of the behaviour and its effects on individuals and the community.

Consistency – we will ensure that officers take a consistent approach when dealing with ASB.

Transparency – we will help people to understand what the tenancy agreement and law requires of them and make clear what needs to be done.

Targeting – enforcement will be directed against those whose activities pose the most serious harm to individuals or communities.

Application of the policy

Anti-Social Behaviour is defined in the Anti-Social Behaviour, Crime and Policing Act 2014 as:

- Conduct that has caused, or is likely to cause, harassments, alarm or distress to any person;
- Conduct capable of causing a nuisance or annoyance to a person in relation to that person's occupation or residential premises or;
- Conduct capable of causing housing-related nuisance or annoyance to any person.

Examples of the anti-social behaviour that the team will deal with include:

- Excessive noise (unless considered a Statutory Nuisance by Environmental Health);
- Alcohol related incidents;
- Nuisance from vehicles – noise / parking / excess number of vehicles / repair work etc;
- Intimidation / threatening acts or behaviour;
- Harassment;
- Garden conditions – waste / overgrowth / boundary disputes;
- Drugs / substance misuse / drug dealing / cultivation;
- Vandalism / other criminal behaviour;

- Domestic violence / abuse – using referrals to other support agencies;
- Verbal or physical abuse / violence towards others;
- Pets / animal nuisance – too many pets / inappropriate type or number for property;
- Misuse of communal areas – storage / fire safety concerns;
- Litter / rubbish / fly tipping – at property or in wider estate;
- Vehicle obstruction – as above, relating to parking issues;
- Hate related incidents – working in partnership with the police; and
- Prostitution / sexual acts / curb crawling.

Examples of cases that may not be classed as anti-social behaviour include:

- People walking across the floor in shoes (in a property with poor sound insulation / adequate floor coverings) – formal action not appropriate as considered reasonable day to day living noises;
- Children playing in the street where no damage has occurred, perception maybe causing a nuisance;
- Intolerance to normal lifestyle issues – clash of lifestyles / personalities / cultures;
- Pets straying across gardens i.e., cats, which are entitled to roam (dogs are dealt with under tenancy conditions or dog warden service);
- Staring or looking at someone, can be a perception issue (unless harassment);
- One off events, such as a party (possibly words of advice only);
- 1 to 1 disputes or personal disputes where no breach of tenancy has occurred; and
- Problems arising from conflicts of lifestyle, such as shift work (could offer mediation if needed).

In these cases, we may provide advice and guidance, but it will be at the officer's discretion.

Preventing Anti-Social Behaviour

The team is committed to preventing and dealing with cases of anti-social behaviour. The following approaches will be used:

- Explaining and enforcing tenancy conditions to residents;
- Investing in our communities to prevent anti-social behaviour;
- Working with partner agencies;
- Marketing and promotion of services and outcomes to encourage victims to report incidents as well as discourage potential perpetrators; and
- Share information with other agencies and partners.

Reporting of Anti-Social Behaviour

Cases can be reported by:

- Telephone (please see below for further details)
- Email;
- Letter;
- Website; and
- In person or through third parties.

Further contact information

- General Anti Social Behaviour enquiries during normal office hours through Contact Centre (01267 234567)
- Councillor enquiries during normal office hours through the Democratic Services
- Anti Social Behaviour enquiries outside normal working hours through Delta Wellbeing which provides an emergency service on 0300 333 2222. This phone number is for emergencies and is available after 6:00pm and up until 8:30am on weekdays, and on Saturdays, Sundays and Bank Holidays.
- Anti Social Behaviour that is a serious risk to life is to be reported to the Police on 101 or 999

The team will investigate all cases of anti-social behaviour but will prioritise cases in line with our priority matrix and officer's discretion.

Anonymous complaints will be investigated when possible and dealt with at the officer's discretion. Anonymous complaints are difficult to investigate as there is no one to gather evidence from or feedback to. There is also no ability to use an anonymous complainant as part of our evidence should Court action be required.

All cases will be treated fairly, recorded and monitored, and regular updates will be provided as the case progresses.

Supporting victims and witnesses

This is essential in helping to deal with allegations of anti-social behaviour. The team will:

- Adopt a victim centred approach;
- Assess the level of risk to victims and make appropriate plans to ensure their safety;
- Work with other agencies to resolve problems as quickly as possible;
- Provide support or refer for specific victim support services, internal and external;
- Consider legal sanctions to protect victims where an immediate risk is identified;
- Make regular contact with victims and witnesses;
- Consider improving home security by providing extra measures such as additional locks, security chains, alarms for properties; and
- Rehouse victims in exceptional circumstances, such as when an immediate threat or risk of harm to the victim is present which cannot be removed in any other way.

Tenancy Conditions

The tenancy agreement sets out the contractual obligations of the tenant and the Council.

The agreement requires tenants to act in a reasonable manner and not do to anything that causes nuisance or annoyance to other people.

Anti-social behaviour in any form (by tenants or those who live with them, and visitors) is considered a breach of the tenancy agreement and will not be tolerated.

ASB / Tenancy breaches will be categorised and prioritised by the team using the table below. In addition, the scorecard in **Appendix 1** can be used to assess the urgency a case is dealt with.

Prioritising complaints

The team will prioritise complaints under **three** categories:

Category A - Urgent or serious issues

- Hate crimes;
- Sexual abuse and offences;
- Aggressive / abusive neighbours;
- Drug dealing / complaints / warrants;
- Criminal activity – in partnership with the Police;
- Perceived hate crimes - in partnership with the Police;
- Violence – between families or neighbouring properties;
- Domestic violence – linked with other agencies; and
- Any other complaints the officer deems to be urgent or serious.

These cases will be dealt with as quickly as possible (aim to contact within 24 hours)

Category B – serious issues

- Noise - (to also include cases being investigated under Statutory nuisance legislation with Environmental Health);
- Drug and substance misuse (e.g., personal cannabis use) where there is a nuisance to neighbours.
- Verbal abuse towards staff, neighbours or wider community;
- Alcohol related nuisance;
- Prostitution (misuse of property or wider community);
- Intimidation towards others;
- Criminal damage to other property;
- Nuisance being caused in the communal areas e.g., congregating / storing items;
- Waste stored at the property or garden (working alongside Public Health team);
- No access issues; and
- Any other complaints the officer deems to be serious from Category C.

Officers will aim to contact within 5 working days

Category C – low level

- Drug and substance misuse (e.g., personal cannabis use;) where not causing nuisance/no direct impact on neighbours;
- Caravans being kept at people's properties or within the estate without permission;
- Garden conditions – overgrown and unkempt;
- Parking issues – obstructions or number of vehicles without permission;
- Animals – inappropriate pets or number of animals kept at the property (unless causing nuisance to neighbours which will fall under discretion of officer to upgrade to Category B);

- Unsuitable vehicles on estate e.g., trailers / heavy goods vehicles in line with tenancy agreement;
- Low level damage to property, internal and external;
- Children causing a nuisance to the community (discretion of officers);
- Communal area problems e.g., arguments over communal gardens / leaving doors open (discretion of officers);
- Repairing vehicles / operating a business in line with tenancy agreement;
- Works carried out to the property without permission; and
- Cases where there is no complainant involved (anonymous).

Officers will aim to contact within 10 working days

The timescales will be monitored and reviewed periodically

Remedies of Anti-Social Behaviour

Our policy commits to trying to reach a fair and lasting solution to ASB problems as quickly as possible. In lower-level cases officers will try using low level informal action, but if this is ineffective stronger measures will be considered.

There are several options available to the team, and staff will consider the most appropriate action in each case.

Enforcement action will be taken when necessary, such as when cases are serious, or when instances of anti-social behaviour continue, and other solutions have been identified and exhausted.

Legal remedies may include:

- Discussions with concerned parties;
- Warning letters;
- Mediation;
- Injunctions;
- Demotion orders;
- Suspended demotion orders;
- Eviction / possession proceedings;
- Action against a starter tenancy;
- Community Protection Notices / Fixed penalty notices;
- Closure orders;
- Relocation (as a last resort);
- Referral to other agencies / services; and
- Legal action by others e.g., Environmental Health

It is recognised that sometimes we may not be able to resolve anti-social behaviour complaints to the satisfaction of all parties. If, after careful investigation and agreement

with senior officers that anti-social behaviour is un-actionable, we will let the complainant and perpetrator know.

Actions for other types of tenancy

Disputes in relation to tenants within the private sector, Housing Association properties or private owners will initially be reported to the Police (private tenants / owners). Some Housing Association tenants can report to their agencies' own ASB officers or the police.

The Authority's own Anti- Social Behaviour Coordinator can also provide additional support and advice to affected parties of private owners or housing association tenants, working in partnership with the police to help resolve any issues.

If a Council tenant is suffering from antisocial behaviour from another private property or housing association property, officers will link in with the police and the Anti-Social Behaviour Coordinator to help resolve the matter.

Appendix 1 - Assessing each case

The below scorecard will be used to determine whether your complaint is considered as high, medium, or low risk.

Other than this occasion how often do you have problems?	Most days Most weeks Most months Only occasionally	3 2 1 0
Do you think this incident is linked to previous incidents?	Yes No	2 0
Do you think that incidents are happening more often and/or are getting worse?	Yes No	2 0
Do you know the offender/s?	They know each other well They are known to each other They do not know each other	2 1 0
Does the perpetrator have a history or reputation for intimidation or harassment?	Perpetrator currently harassing complainant Perpetrator have harassed complainant in the past Perpetrator have not harassed the complainant, but have a history or reputation for harassment or violence Perpetrator have no history or reputation for harassment or violence	6 4 2 0
Have you informed any other agencies about what has happened, if yes, are you happy for us to discuss the problem with them? Agency details:	Yes No	0 1
Which of the following do you think that this incident deliberately targeted?	You Your family Your community None	4 3 1 0

Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability?	Yes No	3 0
In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk?	Yes No	3 0
How affected do you feel by what has happened?	Not at all Affected a little Moderately affected Affected a lot Extremely affected	0 1 2 3 5
Has yours or anyone's health been affected as a result of this and any previous incidents? If yes, details:	Yes No	3 0
Do you have a social worker, health visitor or any other type of professional support, can we speak to them about this? If yes, details:	No Yes	0 1
Do you have any friends and family to support you?	Complainant lives alone and is isolated Complainant is isolated from people who can offer support Complainant has a few people to draw on for support Complainant has a close network of people for support	3 3 1 0
Apart from any effect on you, do you think anyone else has been affected by what has happened?	No one else Your family Local Community Other	0 1 3
Total score		

Based on these factors and your own judgement, adjust the scoring accordingly

Low 0 4 8 12 16 20 22 24 26 28 30 High

0 – 15 = low risk

16 – 28 = medium risk

29 – 41 = high risk

The agencies listed below are there as a guide and should be used in conjunction with other local resources and your own judgement of what support and protection are required. All action taken as a result of your assessment should be discussed with the witness.

Actions to be taken

Safer Neighbourhood Team:

Environmental Health:

Other Local Authority depts.:

Police:

Other support services:

I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family.

If there are child protection concerns, information will be shared regardless of whether this form I signed

Signature:

Date:

Print name: