

ANTI-SOCIAL BEHAVIOUR

A STATEMENT OF POLICY

Housing Services
Cabinet Approval 19.02.13



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Introduction

The Anti-social Behaviour Act, 2003 requires that all Local Housing Authorities publish a statement of their policies and procedures in relation to anti-social behaviour. In April 2004, the Government published a Statutory Code of Guidance which gave details of what The Statement is expected to contain. The Statement was first published on 30th December 2004. This is a revision of that Statement, taking into account the relevant changes in law, guidance and local circumstances.

A summary of these policies and procedures has also been published. This is available free of charge by:

- Contacting the Neighbourhoods Team:

Address: Stonegravels Depot, Old Brick Works Lane, Chesterfield S41 7LF
Telephone: (01246) 345071
Fax: (01246) 345070
E-mail: neighbourhood.team@chesterfield.gov.uk

- Going to the Council's website and following the links:

www.chesterfield.gov.uk

- > Homes
- > Anti-social Behaviour / Hate Harassment
- > Summary of ASB Procedures

The policies and procedures of CBC Housing Services have been developed according to the developing framework of legislation, regulation and best practice. This statement of anti-social behaviour policies takes into account these developments.

This Statement is consistent with CBC's Corporate ASB Policy.

POLICIES

Definitions and Powers to Act

Anti-social behaviour can be anything from low level persistent nuisance to serious violence and other criminal behaviour. It includes all behaviour that impacts negatively on people's quality of life in and around their community.

Powers to act where CBC tenants are engaging in anti-social behaviour

CBC Housing Services has a tenancy agreement with every tenant. This agreement prohibits tenants, members of tenants' households or visitors to tenants' homes from causing **nuisance or annoyance to, or harassing any person living in, visiting, or otherwise engaging in lawful activity in the vicinity of their homes**. In order for us to take action, the behaviour must be unreasonable. CBC Housing Services can take action against a tenant who has broken this agreement. This action may involve bringing the tenancy agreement to an end and evicting the tenant. However, there is a range of other legal measures that we can consider that may be more suitable than eviction.

Powers to act across tenures

The Anti-social Behaviour Act 2003 enables us to seek an injunction to prevent a person from engaging, or from threatening to engage in behaviour:

- Which is capable of causing nuisance or annoyance to any person and
- Which directly or indirectly relates to our housing management functions.

The victim of the behaviour must be one of the following:

- A person with a right to live in or occupy accommodation that we own or manage
- A person with a right to live in or occupy accommodation in the neighbourhood of accommodation that we own or manage
- A person engaged in lawful activity in or in the neighbourhood of accommodation we own or manage
- A person employed in connection with the exercise of our housing management functions

We may seek an injunction against someone who is not a CBC tenant if their unreasonable behaviour affects our management functions or causes nuisance or annoyance to anyone living or working in, or near to CBC accommodation.

We may be asked to intervene in cases that do not involve a CBC tenant and whose behaviour does not affect our management functions (for instance an owner-occupier living on a private estate and engaging in anti-social behaviour that affects the owner-occupier neighbours).

We can intervene in such cases if there is evidence that the behaviour is sufficiently serious to consider using the legal measures at our disposal.

We may not intervene if there is no suitable legal remedy.

Limits to our involvement

We understand that some people may be annoyed by the activities of someone else and may consider those activities to be a nuisance or annoyance. However, we must also take account of a person's right to engage in activities that, given the circumstances, are within a broad range of what must be considered as "normal" or "every day".

We will not take enforcement action in cases where we assess that any nuisance or annoyance caused is as a result of reasonable behaviour. In such cases, we may advise on "self-help" options.

Descriptions of Anti-social Behaviour

Anti-social Behaviour may include:

- Noise nuisance, including:
 - Loud music.
 - Excessive domestic noise.
 - Noisy vehicles.
 - Persistent alarms.
 - Noise from pubs and clubs.
- Nuisance behaviour, including:
 - Fire-setting.
 - Shouting and swearing.
 - Fighting.
 - Urinating in public.
 - Inappropriate use of fireworks.
 - Throwing missiles.
 - Climbing on buildings.
 - Impeding access to communal areas.
 - Games in restricted or inappropriate areas.
 - Misuse of airguns.
 - Letting down tyres.
 - Cycling, skating or skateboarding in restricted or inappropriate areas.
- Intimidation and harassment, including
 - Aggressive and threatening behaviour.
 - Threats of violence.
 - Verbal abuse.

- Following or stalking people.
 - Pestering people.
 - Voyeurism.
 - Sending offensive letters.
 - Obscene or nuisance phone calls.
 - Inciting another person to intimidate or to harass.
- Animal-related problems, including:
 - Uncontrolled animals.
 - Fouling by animals.
 - Noise, including barking dogs.
 - Animal smells.
 - Animal aggression or intimidation.
 - Incitement of animals to be aggressive or intimidating.
 - Actual violence against people and property
 - Hate behaviour that targets members of identified groups because of their perceived differences. These identified groups include:
 - People from minority ethnic groups.
 - Disabled people.
 - People with mental illness.
 - People with learning difficulties.
 - Gay, lesbian and trans-sexual people.
 - Older or younger people.
 - People with particular religious beliefs.
 - Ex-offenders.
 - Use of housing accommodation to sell drugs, or for other unlawful purposes.
 - Overgrown or untidy gardens.
 - Deliberate or reckless littering and fly tipping.
 - Misuse of alcohol, drugs or other substances, including:
 - Dealing drugs.
 - Sniffing solvents or other volatile substances.
 - Discarding needles and other drugs-related paraphernalia inappropriately.
 - Crack houses and “shooting galleries”.
 - Presence of dealers or users.
 - Vandalism and criminal damage, including:
 - Graffiti.
 - Damage to buildings.
 - Damage to public amenities.
 - Damage to trees, plants or hedges.
 - Prostitution, kerb-crawling and other inappropriate sexual acts, including:
 - Soliciting.
 - Cards in phone boxes.
 - Discarded condoms.
 - Loitering.
 - Pestering residents.
 - Sexual or indecent assault.
 - Inappropriate sexual conduct.

- Indecent exposure.
- Vehicle repairs
- Use of premises for business purposes.

This list is not exhaustive. Other types of behaviour may be anti-social behaviour.

General Policy Statement of Approach to ASB

We believe that everyone has a right to the quiet enjoyment of their home, free from crime and unreasonable nuisance, annoyance, harassment, alarm or distress. We also consider that people must expect some disturbance arising from the normal and legitimate activities of daily life within a community.

Housing Services will respond to reports of anti-social behaviour by:

- Determining if involvement in the case is within its remit. If it is within its remit:-
- Assessing the evidence to establish whether the behaviour is unreasonable and causing nuisance, annoyance, harassment, alarm or distress
- Where it has been assessed as unreasonable behaviour causing nuisance, annoyance, harassment alarm or distress, intervening to try and stop the behaviour

There is a range of measures that we can take to stop the anti-social behaviour. Some involve using the law. Other measures involve arranging for services to prevent anti-social behaviour that are provided directly by CBC or by other agencies.

In general, we will take legal action such as eviction only where other measures are not reasonably feasible or have failed, particularly where those engaging in anti-social behaviour are more vulnerable (e.g., families with children, people with mental illness or disability, younger people with inadequate life skills, etc). We may, however, choose to take eviction proceedings where feasible without consideration of other measures if the breach of the tenancy agreement is serious.

We take legal measures that are necessary and proportionate to the problem. We will normally consider using the most serious measures, such as eviction, to stop the most serious anti-social behaviour rather than for a case of minor occasional nuisance or annoyance. It is, however, more likely that we will seek the eviction of introductory tenants who have breached their tenancy agreement. We will work flexibly, considering any reasonable remedy which might work in a particular case. This will include working in partnership with other organisations that may be able to contribute.

We recognise that in responding effectively to anti-social behaviour, we must provide or arrange for support for victims and witnesses. We will therefore maintain regular contact with victims and witnesses and keeping them updated with the progress of the case.

We will try to minimise the need for victims and witnesses to provide evidence where possible. In most cases, however, a good standard of evidence provided by witnesses, occasionally over an extended period, will continue to be the most important element in bringing a case to a successful conclusion.

We recognise that members of the community need to have information about anti-social behaviour. We will therefore publish this information as appropriate.

We will consult our service users and other stakeholders about our service and service standards. We will endeavour to do so wherever appropriate and practicable.

The response of Housing Services to anti-social behaviour will be consistent with the properly agreed policies and strategies of the Chesterfield Community Safety Partnership.

We will ensure that we are accessible to all members of the community. Where people have difficulty in communicating with us, we will take reasonable steps to make communication easier. This includes interpreting and translation, signing, technology to assist people with hearing and visual impairment, Braille and making available officers for those who cannot read or write. We will arrange to see people at an alternative location, including their homes if they cannot come to our offices. We will do so we are satisfied that this will not compromise the health and safety of our staff.

Policy Aims

- To reduce anti-social behaviour that involves the tenants of Chesterfield Borough Council.
- To contribute to the reduction of the perception and fear of anti-social behaviour in Chesterfield.
- To take into account best practice.
- To make sure that support and feedback is available for witnesses and victims of anti-social behaviour.
- To respond to reports of anti-social behaviour in an appropriate, timely and proportionate manner.
- To work actively to encourage a multi-agency response to anti-social behaviour.

Service Standards

The details of our response to anti-social behaviour and racial and other harassment are given in our written operational procedures for use by staff. These procedures specify:

- How quickly we respond under which circumstances.
- How investigations are conducted.
- How we communicate with victims and those accused of causing anti-social behaviour and racial harassment.
- What action we will take.

Our service standards for dealing with anti-social behaviour are available by:

- Contacting the Neighbourhoods Team:

Address: Stonegravels Depot, Old Brick Works Lane, Chesterfield S41 7LF
Telephone: (01246) 345071
Fax: (01246) 345070
E-mail: neighbourhood.team@chesterfield.gov.uk

- Going to the Council's website and following the links:

www.chesterfield.gov.uk

> Homes

> Housing Service Standards

> Service Standards for ASB and Hate Harassment

Local Offers

Our local offers to tenants comprise the basic standards of service that tenants can expect from us. These are revised annually following consultation with tenants. A copy of the service standards for anti-social behaviour is available by:

- Contacting the Neighbourhoods Team:

Address: Stonegravels Depot, Old Brick Works Lane, Chesterfield S41 7LF
Telephone: (01246) 345071
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> Local Offers

Tenant Obligations

Standards of Behaviour

The standards of behaviour we expect from our tenants are set out in the tenancy agreement, which is signed by every tenant. The sections which are specific to nuisance and anti-social behaviour are as follows:

- *You (or anyone living with you, or your visitors) must ensure that no nuisance or annoyance is caused to any person living in, visiting or otherwise engaging in a lawful activity in the locality of your home. Examples of nuisance, annoyance or disturbance include:
Loud music; arguing and door slamming; dog(s) barking and fouling; offensive drunkenness; selling of drugs or drug abuse; rubbish dumping; undertaking major car repairs; playing ball games close to someone else's home; discarding litter; using air rifles or pellet guns.*
- *You (or anyone living with you, or visiting your home) must not harass any other person. Examples of harassment include:
Racist behaviour or language; using or threatening to use violence; using abusive or insulting words or behaviour; damaging or threatening to damage another person's home or possessions; writing threatening, abusive or insulting letters or graffiti; doing anything which interferes with the peace, comfort or convenience of other people.*
- *You (or anyone living with you, or visiting your home) must not inflict domestic violence or threaten violence against any person living with you or living elsewhere.*
- *You (or anyone living with you, or your visitors) must not use or threaten to use violence or use abusive or insulting words or behaviour against any employee, agent or contractor of the Council at any place or at any time.*
- *You (or anyone living with you, or visiting your home) must not do major car repairs or park an illegal or unroadworthy vehicle on the land around your home or on the road.*
- *You (or anyone living with you, or visiting your home) must not use your home or any communal area for any illegal or immoral purposes.*

More general sections which involve expected standards of behaviour include the following:

- *You are responsible for the behaviour of every person (including children) living in or visiting your home.*
- *You (or anyone living with you, or visiting your home) must not make false or malicious complaints to the Council about the behaviour of any other person living in or visiting within the vicinity of your home.*

The Role of the Community

Members of the community have a crucial role to play in reducing anti-social behaviour. The organisations involved in tackling anti-social behaviour can only do so where there is a partnership with the community. People have the right to live free from unreasonable nuisance or annoyance, harassment, alarm or distress. There is a corresponding expectation that members of the community participate in helping to stop problems when they occur. At its most basic, where it is reasonable to do so, people should approach those causing the problem to try to resolve the matter within the law and before the relevant authorities are asked to intervene. If it is not reasonable to make such an approach, or if this approach has not worked, then the problem should be reported to the relevant authorities in a way that enables them to take action. When people report anti-social behaviour, we have a corresponding duty to provide an effective response.

We will encourage tenants, tenant groups and leaders and partner organisations to promote tolerance, balancing individuals' liberties with their impact on others and the community.

We will encourage and facilitate community involvement among tenants, including how individuals can support other members of their community to help us and our partners tackle ASB issues.

We will encourage community groups to develop projects to prevent anti-social behaviour in their communities, including diversionary projects.

Specific Issues

Supporting Witnesses

People who witness anti-social behaviour and who are prepared to give evidence are essential in the tackling anti-social behaviour. We cannot act without evidence and we recognise that it may be more difficult for people to provide this evidence if we do not support them. We recognise that in many cases, witnesses act on behalf of their communities. We therefore consider support for witnesses as being central to our approach.

We will ensure that our services are accessible and are promoted in order to encourage people to act as witnesses of anti-social behaviour.

Once a person has decided to be a witness, we will ensure that an individual officer is assigned to the case, that the process and implications are fully explained and that the witness is kept fully informed of developments.

We will participate in appropriate programmes to identify vulnerable and repeat victims and liaise with appropriate organisations that may be able to provide specialist support for the witness.

We will try to minimise the period in which detailed records must be kept. However, in most cases, the evidence provided by witnesses is essential. We can achieve this by acting upon the evidence as soon as we have assessed it as causing nuisance, annoyance, harassment, alarm or distress. Nevertheless, extended periods of record keeping by witnesses is often necessary, particularly where legal action is proposed. This is because we need to demonstrate that the problem persists to the date of the court hearing and we may need to wait for an extended period before the court hearing can take place.

We will carry out a safety audit and arrange for "target hardening" and home security measures where required.

We will consider temporary or permanent re-housing in the most serious cases.

Racial and Other Hate-based Harassment Policies

For the purposes of investigating reports of racial harassment, we use the definition of a racist incident as one which is perceived to be racist by the victim or any other person.

We accurately record *all* racist incidents reported to the Council.

We treat all racist incidents reports very seriously, including verbal abuse and graffiti.

We respond to intimidation or harassment that occurs as a result of a person's perceived differences (for instance, a person's sexuality, trans-gender status, religious beliefs, physical or mental illness or disability or age) in the same way as we respond to racial harassment and intimidation.

We will provide services in such a way that they contribute towards the elimination of unlawful discrimination and the promotion of equality of opportunity and good race relations.

We will assess, monitor and consult on our services to ensure there is no unreasonable discrimination against *any* group. This includes groups such as ex-offenders. We need to ensure that all local residents and users of our services are equally satisfied with the Council.

The Council has adopted a policy of "zero tolerance" towards anti-social behaviour which is motivated by race or any other perceived difference. We describe such anti-social behaviour as "hate crime".

Domestic Abuse

Chesterfield Borough Council is a signatory to the Derbyshire County Forum Domestic Abuse Protocol, which sets out the values and principles of organisations dealing with domestic abuse in Derbyshire.

Domestic abuse is unacceptable and illegal. We consider domestic abuse to be serious anti-social behaviour.

We will, under appropriate circumstances, take legal action against perpetrators of domestic abuse. However, our over-riding concern is the safety and welfare of the victim and of the victim's household. The viewpoint of the victim is central.

We will give victims accurate information and advice on possible courses of legal action against the perpetrator, what the victim will be expected to do if a particular course of action is pursued, the consequences of such action and the support which is available.

We may refer the victim to an organisation that can provide specialist advice. In this way, we will ensure that the victim has the level of knowledge that allows an informed choice about whether to pursue legal action. We consider that where victims have good knowledge of the processes, their implications and the support available, it is more likely that they will wish to pursue legal action against the perpetrator.

If a victim wishes to remain in their current home, we will advise them of the options available to them to do so including, where possible, the installation of additional security measures (e.g., the Sanctuary Scheme)

We recognise the particular difficulties a victim of domestic abuse will face in pursuing legal action against a perpetrator. We will therefore ensure that a high

level of support is available to victim and their households throughout the legal process. This support will be from a variety of sources, including:

- Housing Services Homelessness Prevention Team
- Housing Services Tenancy Support Team
- Careline (emergency alarm)
- North Derbyshire Women's Aid
- Derbyshire Police
- Victim Support Derbyshire

The Housing Services Homelessness Prevention Team has the experience and expertise to deal sensitively and appropriately with victims of domestic abuse. However, victims may report their situation in a variety of ways to a variety of Council employees. With consent, we would therefore encourage the victim to seek specialist advice and assistance from the Homelessness Prevention Team.

Where a person may be homeless as a result of domestic abuse, we will refer that person to the Homelessness Prevention Team so that necessary investigations take place.

ASB Prevention

Early reinforcement of expected standards of behaviour

We will reinforce a clear message that anti-social behaviour will not be tolerated to those who apply for housing and at sign ups for new tenancies and new tenancy visits.

Early response by Housing Services

Early reporting and intervention is important in tackling anti-social behaviour. Our procedures emphasise the importance of an early response and prescribe how quickly we respond to reports.

A summary of these policies and procedures has also been published. This is available free of charge by:

- Contacting the Neighbourhoods Team:

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> Summary of ASB Procedures

Mediation

Under certain circumstances, particularly where there are reports of anti-social behaviour by one party and counter-claims from the other party, high quality mediation can assist both parties to resolve the problem. Mediation can only be used where both parties accept that there is a problem and are willing to accept mediation as the means to resolving it.

Lower level informal mediation is undertaken as a matter of course by the Neighbourhoods Team to try to resolve disputes before they escalate. However, higher level mediation is a specialist work area that requires a high level of skill and expertise.

We will therefore consider procuring services from specialist mediation providers where appropriate. We must also take into consideration that mediation services are expensive and that we must balance its potential advantages in a particular case against the level of the dispute, its impact upon those involved and their responsibilities.

We will normally pay for the costs of mediation where the parties involved in the dispute are Council tenants.

We may ask for an appropriate contribution from someone who is not a Council tenant.

We will ask a Registered Social Landlord to contribute towards the cost where one party is a tenant of that landlord.

Diversionsary projects

There is a range of services and projects available, particularly for young people, which contribute to preventing people from engaging in crime and anti-social behaviour. These are known as diversionsary projects.

Diversionsary projects may have wide access (for instance, a sports or IT project for young people in a particular area) or more restricted access (for instance, projects for young offenders and those at risk of offending).

The Chesterfield Community Safety Partnership has a strategic role in identifying where projects may be useful, facilitating the commissioning of projects and assessing their effectiveness. We will continue to play a very active role within this partnership at all levels.

We will work with and support members of the community and organisations that are equipped to set up and run diversionsary activities.

We will take an active role in participating in diversionsary projects where feasible and within the general scope of our activities.

Floating support

Floating support is support provided to people living in their own homes. Our Tenancy Support Worker provides floating support for vulnerable Chesterfield Borough Council tenants. Referrals to the Tenancy Support Worker can be made from any source. The support provided may be direct, with the Tenancy Support Worker visiting regularly, or it may be provided through a referral to another specialist support provider.

There is a range of organisations that provide specialist floating support for more vulnerable tenants in their own homes. These include support for young people, people with mental health problems, people leaving prison, people who have a drug or alcohol dependency and people who have learning difficulties. The support is aimed at enabling people to achieve their maximum levels of independence.

Our Tenancy Support Worker may support victims of anti-social behaviour and vulnerable perpetrators. The support offered to vulnerable perpetrators is aimed at stopping the anti-social behaviour and thereby preventing eviction.

We will consider legal action if the perpetrator does not accept support and the behaviour has not improved to an acceptable standard, or if the support has been accepted, but this not resulted in an acceptable standard of behaviour.

Interviewing of juveniles

We may be involved in interviewing a juvenile who has been engaging in anti-social behaviour.

We will conduct interviews with juveniles having regard to protocols agreed through Chesterfield Community Safety Partnership.

Neighbourhood Rangers

The Neighbourhood Rangers will patrol the estates managed by Housing Services. They are involved mostly in dealing with environmental anti-social behaviour, for instance dealing with dumped waste, animal fouling, fly-tipping, littering, overgrown gardens and abandoned vehicles. They also provide a visible presence on the estates, building links with the community and being available for members of the community who wish to report concerns about their neighbourhood.

Neighbourhood Rangers will give advice on how and to whom people can report anti-social behaviour and, where necessary, may collect evidence from witnesses.

We train the Neighbourhood Rangers to issue fixed penalty notices for littering and dog fouling.

Health and Safety of Staff

- We will train staff who are directly involved in responding to anti-social behaviour on the Council's Health and Safety and Lone Working procedures.
- We will train managers who manage staff involved in responding directly to anti-social behaviour in carrying out appropriate risk assessments
- We will consider appropriate action against any person who is violent is violent, or threatens violence, or uses abusive or insulting words or behaviour towards any Council employee or its agents or contractors.
- For the most serious abuse of staff, such as violence or threats of violence, there will be an assumption that the most serious action will be taken, such as a prosecution, injunction with the power of arrest for breaches and possession proceedings.

Support for Tenants who are Perpetrators

We consider that the wellbeing of the victims of anti-social behaviour is paramount. However, where the anti-social behaviour is a result of something that reduces a person's ability to behave in an acceptable manner, we also recognise the value of services that can help to prevent that behaviour. Things that might result in someone engaging in anti-social behaviour include:

- A disability or illness, such as a learning disability, mental illness or physical illness that results in changes in behaviour
- Drug or alcohol abuse
- A person's youth and inexperience of independent living
- Life experiences that increase the risk of anti-social behaviour (such as being a victim of abuse or an unsettled or neglectful family background)

It is more likely that interventions to stop the anti-social behaviour will be successful if someone is living in a stable home. Eviction is unlikely to stop an individual from engaging in anti-social behaviour. Where a person no longer has a stable home, there is a high risk that the behaviour will become worse and may be displaced to a situation where successful intervention is even less likely.

We will encourage and facilitate the provision of support services for tenants and members of their households who are less able to behave in an acceptable manner to change their behaviour.

We will make referrals to these support providers where available.

Our Tenancy Support Worker provides general support for vulnerable Chesterfield Borough Council tenants.

We may make referrals to our Tenancy Support Worker. The Tenancy Support Worker will refer the case on to an appropriate provider if more specialist support is needed

We recognise that in general, people with learning difficulties or mental illness are more likely to be victims than perpetrators of harassment and other forms of anti-social behaviour. However, we also recognise that in some cases, anti-social behaviour may be a result of a person's learning difficulty or mental illness. Our policies and the Disability Discrimination Act require that we do not unlawfully discriminate against any group. We may therefore offer support to our tenants whose anti-social behaviour may be a result of learning difficulties or mental illness.

Where a person is offered support, but does not accept it, or where support does not bring about sufficient change in behaviour, we will consider other measures to protect victims, including legal measures such as eviction or an injunction.

Applicants for Housing and New Tenants

We make reasonable attempts to identify people who are registered for housing and who may benefit from support so that we can offer support from the start of their tenancies.

We may make a referral to an appropriate support service where a need for support is identified.

We may suspend an applicant from the Housing Register where that person, or a member of their household, or their joint applicant, has been guilty of poor behaviour. This means that until the applicant has proved that they have remedied their behaviour, normally over a period of six months to twelve months, then other applicants who have not been guilty of poor behaviour will be preferred over them.

We may disqualify applicants from the Housing Register if we have evidence that they, or a member of their household, or their joint applicant, has behaved in an unacceptable way and we consider this makes them unsuitable to have a Council tenancy.

Key Partnerships

Chesterfield Community Safety Partnership

We recognise that the causes of anti-social behaviour and the solutions to reducing it are not within the remit of any single organisation. With their diversity of skills, experience and resources, many organisations can contribute to the response to anti-social behaviour, at strategic and operational levels both in prevention and enforcement.

The multi-agency Chesterfield Community Safety Partnership is the main strategic and co-ordinating body for community safety and crime reduction across the Borough. The Community Safety Partnership has various sub-groups that deal with specific aspects of community safety, including anti-social behaviour.

The key partner agencies include:

- The Community Safety Team, comprising staff whose main responsibilities are to co-ordinate community safety strategy
- Chesterfield Borough Council
- Derbyshire Constabulary
- Derbyshire Fire and Rescue Service
- Services providing offender rehabilitation and management
- Services providing health and social care and support
- Services providing education and learning
- Derbyshire County Council

The activities of the Community Safety Partnership are detailed in joint protocols, including for anti-social behaviour, which are revised as necessary.

The Police

Regular joint tasking meetings are held between the Neighbourhoods Team and each of the Police Safer Neighbourhoods Teams covering the residential areas of Chesterfield. These meetings provide a means of sharing information and deciding on appropriate action.

We will continue to participate in these meetings.

A close working partnership exists between the Neighbourhoods Team and the Police beyond these joint tasking meetings. This makes possible informal meetings and joint action as and when needed.

We will continue to participate in this informal partnership approach.

Environmental Services

We will work with In the Council's Environmental Services in appropriate cases (for instance, where there appears to be statutory noise nuisance) to carry out monitoring and, where necessary, joint action. In each case, a decision will be made whether action by Housing Services, by Environmental Services or by joint action is most appropriate in stopping the anti-social behaviour.

We may refer complaints about anti-social behaviour from or in the vicinity of licensed premises to Environmental Services. Environmental Services will then consider whether it is appropriate to take action under the Licensing Act 2003, for instance, if powers under specific anti-social behaviour law are inadequate or inappropriate.

We may work with Environmental Services to tackle persistent and serious problems of environmental anti-social behaviour in the residential areas that we manage (e.g., fly tipping, dog fouling, etc with litter hot-spots) for a co-ordinated approach to identifying those responsible and to take action against them.

We will report abandoned vehicles observed on estates to the appropriate officer in the Environmental Services.

Operational Services

The Operational Services Division (OSD) of Housing Services is responsible for repairs and maintenance of the Council's housing stock.

The Neighbourhoods Team and OSD will work together to:

- Identify tenants who report have high levels of criminal damage and who may be involved as victims or perpetrators of ASB and to take appropriate action.
- Identify and take action against tenants who may falsely report repairs being as a result of criminal damage (normally in order to have the repair done without cost to the tenant and to take appropriate action.
- Identify and take action against tenants who are responsible for damaging their homes
- Identify households where there may be domestic abuse
- Identify victims of anti-social behaviour

Many staff working for the OSD spend a considerable amount of their time working in the neighbourhoods and in tenants' homes. They will witness anti-social behaviour more frequently than other office-based staff.

OSD staff will report incidents of anti-social behaviour to their manager or supervisor as soon as possible and this will then be reported to the Neighbourhoods Team.

Housing Solutions Team

The Housing Solutions Team is responsible for managing the housing waiting lists, allocating tenancies and Choice Based Lettings.

The Housing Solutions Team may:

- Make reasonable enquiries to identify people who have applied for housing with CBC and who present a greater risk of engaging in anti-social behaviour
- Minimise the risk of allocating tenancies to people who have been identified as presenting a higher risk of engaging in anti-social behaviour through:
 - Disqualifying applicants for housing where they, or their household members, or their joint applicants have been guilty of poor behaviour and are unsuitable to have a Council tenancy.
 - Suspending an applicant for housing, where they or their household members, or their joint applicant have a history of poor behaviour until the behaviour improves or arrangements can be made to reduce the risk. This means giving preference to other applicants with no history of poor behaviour.
 - Making referrals to organisations that can provide support to help prevent anti-social behaviour
- To avoid increasing the problem and contribute towards its reduction, considering “sensitive lettings” in closely defined areas or to individual properties that have been subject to high levels of anti-social behaviour.

Each case will be considered individually and we will take into account all relevant circumstances.

Surveillance

Surveillance includes, but is not limited to, taking photographs, using video and CCTV.

Directed covert surveillance is where the subject of the surveillance is unaware that they are under surveillance. Applications to use directed covert surveillance must be considered by the Magistrates Court. Authority will only be given by a Magistrate if it is used for the detection or prevention of serious crime (i.e., that would result in a sentence of six months or more on conviction). Therefore, directed covert surveillance can not be used to prevent non-criminal anti-social behaviour.

We will consider asking the Council's Environmental Services to carry out monitoring where the reports indicate statutory noise nuisance.

Where staff witness incidents as a normal part of their work, we may use this as evidence.

Data Protection and Information Exchange

Sharing of information is integral to dealing with anti-social behaviour problems. When officers are sharing information with other agencies they need to be aware of importance of confidentiality and data protection. Section 115 of the Crime and Disorder Act 1998 makes it lawful for organisations engaged in multi-agency working to exchange information as part of a strategy to reduce crime and disorder. In addition the Police have common law powers to disclose information to anyone for the prevention and detection of crime.

A protocol on information sharing has been agreed by Derbyshire County Council Community Safety. It sets out how information about individuals will be exchanged.

We will have regard to this protocol.

Confidentiality

We recognise the great importance of confidentiality if we are to encourage witnesses to provide evidence of anti-social behaviour. Normally, the identity of complainants will not be disclosed to the subject of the allegation or to any other party unless the complainant gives permission to do so.

Disclosure of Information

There may be exceptional circumstances when it is necessary to disclose the details of a victim or witness to other agencies, such as the police and social services, without that person's consent. This will normally only happen in the most serious cases where the public interest would otherwise be profoundly and adversely affected.

There is also the possibility of disclosure where someone asks for information to be disclosed under the Data Protection Act, 1998.

We may refuse to supply information following a request made under the Data protection Act, 1998 if the purpose of that information is to prevent or detect crime.

Under the Act, we may receive a request for disclosure of personal information from the "data subject" (normally the subject of the complaint) which relates to him or her and where there is no crime involved. In this case, the information may relate to a third party (the witness or complainant) who can be identified from that information ("third party information"). This can give rise to conflict between the data subject's right of access and the witness or complainant's right to respect for his or her private life.

We may disclose third party information to a data subject where the witness or complainant has withheld his or her consent to disclosure, if we consider it is reasonable in the circumstances to do so. However, when dealing with such requests we will be sensitive to and give proper consideration to this potential conflict before deciding whether to disclose third party information.

We will normally seek the witness or complainant's consent before disclosure. We may advise the witness or complainant of this and give the option to withdraw the complaint rather than have the information disclosed.

Direct and Hearsay Evidence

Where a case is to be heard in court, it is normally preferable that "first hand" or "direct" evidence from witnesses is presented. The identity of the witness would therefore be disclosed to the defendant, to his or her legal representatives and to the court. "Hearsay" evidence may be acceptable instead but the quality of hearsay evidence may not be of the same value as direct evidence.

"Hearsay" evidence is where, for example, a complainant gives evidence of something which he or she has seen or heard to another person (for instance a Housing Officer or a Tenancy Enforcement Officer). The officer may then be able to present the evidence without the complainant having to make a witness statement or to attend court to give oral evidence. However, the officer would still have to disclose the identity of the complainant. If hearsay evidence is given, then the complainant may still be required to attend court to be cross-examined by the defendant.

The court is likely to consider receiving "anonymous" evidence where it can be shown that there will be, or there is likely to be, a serious risk of harm to the complainant if the complainant's identity was revealed. However, the weight which the court will attach to hearsay evidence or anonymous evidence may be less than that of evidence given directly by a witness.

Training and Awareness Raising

Staff

We acknowledge the difficulties faced by staff who respond to anti-social behaviour. These difficulties include good decision-making when confronted by conflicting accounts of behaviour and the need to remain impartial when distressed victims demand immediate resolution of the situation. Good decision-making is made possible only when good training is provided.

We will train staff as appropriate in Housing Services on anti-social behaviour in general and the policies and procedures relevant to Housing Services and the Community Safety Partnership.

We will work in partnership with other organisations, particularly members of the Community Safety Partnership, so that they provide training for our staff on any relevant aspects of the response to anti-social behaviour. This will be of particular use where a partner organisation can offer expertise or experience in a particular area – for instance, the Police in training staff how to take witness statements.

We recognise that there is likely to be a higher physical risk to officers who are responding to anti-social and sometimes criminal behaviour. We will therefore ensure that:

- Staff who are engaged in this response are trained to ensure their health and safety in accordance with the Council's Health and Safety and Lone working Policy and Procedures.
- Managers of these staff are trained in carrying out risk assessments to ensure the health and safety of staff.

The Community

We are committed to raising awareness of anti-social behaviour and the multi-agency response to anti-social behaviour amongst all the residents of Chesterfield. We are particularly concerned to raise awareness amongst more difficult to reach groups and amongst those groups which are less likely to report anti-social behaviour to the authorities.

We shall consider any reasonable measures to raise awareness, including:

- Giving briefings to elected members
- Providing information in Council publications such as 'Our Homes'.
- Producing articles for local press and broadcast media.
- Producing leaflets and posters for display in a variety of venues.
- Involvement in relevant community initiatives and campaigns.

Publicity

Publicity is an essential issue in providing information to local communities about anti-social behaviour, the local arrangements for tackling it and the performance of key agencies in responding to it. Publicity is also important to ensure that local communities are aware of orders made against individuals.

General

We will use the local media and other means, such as leaflets distributed to households affected by anti-social behaviour, to publicise measures used to tackle the anti-social behaviour, details of relevant services, appropriate details of individual cases and our performance.

Individual Cases

Publicity about individual orders that are granted in open court without restrictions about publicity is important if communities are to support agencies tackling anti-social behaviour. Many of the court orders used to tackle anti-social behaviour (for instance, injunctions, orders on conviction, dispersal orders and closure orders) are for the purpose of protecting the local community.

The main objectives of publicity are:

- **Enforcement** - Local people have the information they need to identify and report breaches. This is particularly important if a group which is causing anti-social behaviour uses a system of lookouts or warnings to avoid being seen by the police.
- **Public reassurance about safety** - Victims and witnesses must know what action has been taken to protect them, and publicity is an integral part of our witness support strategy. Making local people aware of an order which has been made to protect them can make a real difference to the way in which they live their lives, especially when they have suffered from anti-social behaviour or have lived in fear of it.
- **Public confidence in local services** - Local people are reassured that if they report anti-social behaviour, action will be taken by local authorities, the police or other agencies.
- **Deterrent to the subject of the order** - The subject of the order is aware that breaches are more likely to be reported because details are in the public domain.
- **Deterrent to others causing anti-social behaviour.** - Publicity spreads the message that orders are being used and is a warning to others causing a nuisance in the community.

In addition, section 17 of the Crime and Disorder Act 1998 states that *'it shall be the duty of each authority...to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'* The purpose of publicising an order is not to shame or embarrass an individual. Disclosure of information will always be necessary and proportionate to achieving this aim.

We will inform people who are directly involved in a case (witnesses and victims) immediately when an order is made. This is in addition to keeping them informed of progress throughout the court process, and can be done by letters, visits, meetings or by phone.

We will give a copy of the order to victims and witnesses.

We will consider using publicity following an order made in open court on a case by case basis in compliance with relevant legal restrictions.

Leaflets and other written material

Leaflets and other printed materials such as newsletters allow us to specifically target particular neighbourhoods, streets or households with information.

The leaflet will contain factual information to identify the individual, the nature of the anti-social behaviour, relevant details of the order and how the public can report breaches.

A photograph of the subject of an order may be required so that they can be identified.

The main consideration is to target the distribution of leaflets to prevent the continuation of the anti-social behaviour by enabling breaches to be reported.

We will distribute leaflets primarily within the area(s) which suffered from the anti-social behaviour and are covered by the terms of the order, including exclusion zones.

We will target people who have suffered from anti-social behaviour, for example residents, local businesses, shop staff, staff of local public services, particular groups or households.

We will consider extending leafleting beyond the area where the anti-social behaviour was focused if there is a general term prohibiting harassment, alarm or distress in a wider area, or just beyond the area of the order if there is good reason to consider that there will be displacement of the anti-social behaviour.

We will normally distribute leaflets when a full order is made rather than an interim order. However exceptions can be made, for example, where the anti-social behaviour is severe, where there has been extreme intimidation or where there is a delay between the making of the interim order and the outcome of the final hearing. In these circumstances it should be stated on the leaflet that the order is temporary, that a hearing for a "full" order will follow, and distribution should be extremely localised. Alternatively the leaflet could alert people to the

fact that action has been taken, and inform them of who to contact in case of further anti-social behaviour, without naming those with interim orders.

Considerations when an order is made on a person under 18 years of age:

An order made against a person under 18 is normally made in open court and is not usually subject to reporting restrictions. The information is in the public domain and newspapers are entitled to publish details. However, where the court making the order imposes reporting restrictions, these must be scrupulously observed by the press. The law only makes direct reference to press reporting.

If we decide to distribute a leaflet under these circumstances, the reasons why a court has imposed reporting restrictions will be taken into consideration.

We will consider the impact of publicity on a youth when deciding how to inform people about the order.

We will obtain information as early as possible about whether the individual is particularly vulnerable to reduce delays in informing local people once the order is in place. The fact that someone is under 18 does not mean that their anti-social behaviour is any less distressing or frightening to the people around them and therefore generally the approach to publicity should be the same as for adults.

We will consider the impact of publicity on vulnerable family members such as younger siblings or parents with mental health issues. However, because of the importance of informing the public about an order, the effect on family members generally will not be a good reason for deciding not to publicise.

Timeframes

We will publicise relevant orders in a timely fashion, bearing in mind that people are able to report breaches, the need to build and maintain public confidence and to reflect the importance of the tackling the problem.

Compliance with Human Rights

Appropriate and proportionate publicity is compliant with the Human Rights Act 1998. It is recognised that, as a matter of fact, individuals do not welcome publicity and may view the effect of publicity as a punishment. However, a subjective assessment by the individual of the effect of publicity is irrelevant in determining the purpose of publicity.

We will, however, consider the impact of both the order and the publicity on the person's human rights should be considered.

We will record the reasons why it is deemed necessary and proportionate when deciding to publicise a case by using leaflets.

Arrangements for deciding on publicity in individual cases

The Community Safety Partnership has agreed a protocol for deciding on whether details relating of cases should be publicised.

Considerations include:

- The aims of the publicity
- The balance between the human rights of the victims, of the public and of the perpetrator
- Personal circumstances and vulnerability of the perpetrator and members of the perpetrator's household
- The type of publicity
- Distribution of publicity and timescales

Organisations and People Consulted

Consulted	Individual/Organisations
CBC tenants	Tenants' Executive
	Chesterfield Active Tenants Database (CHaT)
	Tenants who have returned ASB customer satisfaction questionnaires
	Tenants who attended ASB Policy road shows
	Consultation events on local offers
	Feedback from customers through ASB customer satisfaction questionnaires and the corporate Complaints Compliments Comments system
CBC elected members	Overview and Performance Scrutiny Forum
	Executive Member and Assistant Executive Member for Housing
CBC Housing Services	Head of Housing
	Manager – Customer Division
	Manager – Operational Services Division
	Housing Solutions Manager
	Assistant Manager – Homelessness/Homelessness Prevention
CBC Corporate	Head of Business Transformation
	Assistant Solicitor
	Equalities Officer
	Spirepride Enforcement
Community Safety Partnership	Community Safety Officer
	Anti-social Behaviour Co-ordinator
Derbyshire County Council	Community Safety Team
Derbyshire Constabulary	Inspector – Safer Neighbourhoods Teams
	Inspector – Community Safety
Derbyshire Fire and Rescue Service	Senior officers attending Community Safety Strategy Group
North Eastern Derbyshire Hate Crime Consultative Group.	CBC Equalities Officer consulted the Group.