

DACORUM BOROUGH COUNCIL HOUSING SERVICE

Statement of Policy and Procedures for dealing with Anti-Social Behaviour

(Housing act 1996 Section 218A as amended by Section 12 of the Anti Social Behaviour Act 2003)

PART ONE – POLICY

1. INTRODUCTION

The Anti-Social Behaviour Act 2003, amends the Housing Act 1996, and requires Social Landlords to publish a statement of their policies and procedures for dealing with anti-social behaviour. The following document fulfils this legal requirement and is designed to give a clear statement of our approach to anti-social behaviour and the way that we intend to work, together with local residents and other agencies, like the Police and Social Services to deal with it.

This document is available for inspection at the Council's main offices, (Civic Centre Hemel Hempstead, Civic Centre Berkhamsted and Victoria Hall, Tring) a copy will be supplied free of charge on request. A summary of this document is also available free of charge.

A central telephone number will be available during 2005 for translation purposes. This document is also available in large print if required.

2. CONTEXT

This statement of Policies and Procedures is compatible with the following plans and strategies and refers to them where necessary.

The National Together Action Plan for tackling anti social behaviour.
The Dacorum Community Safety Strategy
Dacorum Anti Social Behaviour Strategy (under review due March 2005)
Dacorum Homelessness Strategy
Dacorum Equal Opportunities Policy
Revised Housing Allocations Policy
HRA Business Plan
Housing Strategy
The Community Plan

Vulnerable Adults Policy (currently being developed)

It is also compatible with legal requirements affecting the Council, including amongst others:

- Children Act 1989
- Homelessness Act 2002
- Disability Discrimination Act 1995
- Local Government Act 2000
- Data Protection Act 1998
- Human Rights Act 1998
- Race Relations Act 1976 (as amended in 2002)
- Housing Act 1985
- Housing Act 1996 (as amended by Anti Social Behaviour Act 2003)
- Crime and Disorder Act 1998
- Police Reform Act 2002
- Local Government Act 1999

The relevant areas of these Policies and legislation are included in appendix 1 at the end of this document.

This document also reflects one of the objectives of Dacorum Borough Council's vision of a safe, clean and tidy Dacorum Borough.

3. DEFINITIONS

Anti-Social Behaviour is defined in several ways:

The Crime and Disorder Act 1998 Section 1(1) defines acting in an “anti-social manner” as “a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household” as the perpetrator.

The Housing Act 1996 defines anti social behaviour as “Conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality”.

Dacorum Borough Council Tenancy Agreement states “Harassment or anti social behaviour is any act or failure to act which interferes with the peace and comfort of any other tenants, residents, members of their household, visitors, neighbours, the Council including our employees and contractors or any other member of the general public”.

Whilst these definitions are not identical, they are broadly similar and include behaviour of the type detailed in section 4 below.

4. EXAMPLES OF ANTI SOCIAL BEHAVIOUR

The term Anti-Social Behaviour is applied to a wide range of behaviours and can include:

- Harassment on the grounds of race, sexual orientation, religious belief or disability.
- Verbal abuse (including foul or offensive language)
- Intimidation/assault
- Noise
- Using or selling drugs
- Alcohol or solvent abuse
- Unkempt gardens (including gardens used for dumping and that attract vermin).
- Criminal behaviour
- Intimidating gatherings of young people in public places
- Underage drinking
- Damage to property (including graffiti and vandalism)
- Nuisance from vehicles (including parking and abandonment)
- Riding/cycling/using skateboards on footpaths
- Riding motorcycles or motorised scooters anywhere other than on the public highway
- Aggressive begging
- Prostitution
- Nuisance from business use
- Uncontrolled pets and animals
- Harassment (not in the category above)

This list is not exhaustive but is merely acts as a guide.

5. OUR APPROACH TO ANTI-SOCIAL BEHAVIOUR

We as a landlord, and as a local authority, will take firm and appropriate action where necessary to help eliminate anti-social behaviour.

Our response will be proportionate and will be dependent on the type of behaviour that is of concern, and the most appropriate remedy for tackling it. Responses will range from advice, self-help and referral to independent mediation to, Acceptable Behaviour Contracts, injunctions, taking possession of property and applying for Anti Social Behaviour Orders.

Support and guidance will be provided for witnesses and victims of anti social behaviour to encourage them to come forward. We will respect confidentiality and no information will be given to any third party (other than partner agencies) without the express permission of the witness or victim. Information will be shared with partner agencies that are signatories of the Information Sharing Protocol as detailed in section 18 of this document.

Housing Staff – all members of the housing service team consider anti social behaviour as part of their duties and will report problems. They include the Tenant Services Officers, Recovery Officers, Maintenance Officers, Building Surveyors, Elderly Services Officers and Supported Housing Officers.

Three Estate Wardens are employed by the Housing Service. They monitor the condition of communal areas, deal with on the spot issues such as graffiti and are the eyes and ears of the service on our estates. They are to be part of an Accreditation Pilot scheme that gives them powers to issue fixed penalty notices for litter, anti social behaviour, dog fouling, etc.

We actively contribute to the safety of the wider community by working closely with the Police, Youth Offending Team, Fire Service Dacorum Primary Care Trust, Herts County Council Social Services and as members of the Dacorum Community Safety Partnership whose aim is to reduce crime and disorder within the Borough. This partnership sets out its objectives in the Community Safety Strategy. Details of this strategy are provided in a separate document which is available on request from the Council Offices at Civic Centre Marlowes, Hemel Hempstead, Civic Centre Berkhamsted and the Victoria Hall, Tring.

6. TENANTS' OBLIGATIONS

All tenancies of dwellings are subject to the Council's conditions of tenancy contained in the Tenancy Agreement that is signed at the start of the tenancy. The Agreement contains specific clauses concerning anti social behaviour, the requirements of which are explained to every tenant at the beginning of the tenancy.

Not only are tenants responsible for their own behaviour, they are responsible for the behaviour of other members of the household and also that of visitors to the property.

The main obligations of the tenancy agreement that relate to anti social behaviour are as follows:

Sections 32 & 33 – Treatment of Council Members, staff and contractors.

Sections 37 & 38 – Damage to property

Sections 40 & 41 – broken windows

Sections 42, 43, 44, 45 – gardens

Sections 46,47,48 & 49 – communal areas

Sections 50,51 & 52 – harassment and anti social behaviour

Sections 53,54 & 55 – criminal acts and weapons.

Sections 56,57,59 & 60 – pets

Sections 62,63, & 64 – businesses

Sections 65,66,67,68,69 &70 – vehicles

A full copy of these conditions is available from the Housing Service at the Civic Centre, Hemel Hempstead, Civic Centre Berkhamsted, and Victoria Hall,Tring.

7. SUPPORT FOR COMPLAINANTS

We will support complainants by:

- Dealing with their complaints promptly, fairly and impartially
- Recording their concerns
- Respecting confidentiality
- Keeping them informed throughout the process
- Advising them when a case is closed
- Referring them to other supporting agencies and services where appropriate
- Providing a comprehensive support package for victims and witnesses in enforcement cases.
- Providing interpreters on request for people whose first language is not English
- Providing signers on request for people who are hearing impaired.
- In any other ways that may be appropriate to their circumstances.

8. RACIAL HARASSMENT

Racial harassment is verbal or physical aggression towards individuals or groups because of their colour, race, nationality or ethnic, or national origin and includes attacks on property as well as people. We have adopted the following definition of racial harassment following on from the recommendations given in the McPherson report:

"Any incident which is perceived to be racist by the victim or any other person"

Examples of Racial incidents are:

- Assault, ranging from pushing, through to very serious physical attacks.
- Verbal racist abuse ranging from jokes to offensive remarks and comments
- Racist graffiti in any form
- Objects being thrown at people or their property
- Offensive mail
- Racist literature
- Intimidation on grounds of race or colour

This list is for indicative purposes only and is not exhaustive.

The Council believes that all residents regardless of race, nationality or ethnic origins have the right to be and feel they are safe at home and in public places. The Council is therefore committed to identifying and combating racial harassment and to pursuing a zero tolerance approach.

We are also committed to working together using a multi-agency approach to respond to incidents of racial harassment and violence to see a Borough in which everyone can work, learn and live free from the fear of racial harassment and violence.

9. HOMOPHOBIC , HATE CRIME & HARASSMENT.

Broadly speaking, this is any incident or crime where a person's prejudice against an identifiable group of people is a factor in their choice of victim. A 'hate crime' is any criminal offence committed against a person or property that is motivated by the offenders' hate against people because of their age, sex, race, religion, disability or sexual orientation.

A victim of a hate crime or incident does not have to be either a member of a minority group or someone who is generally considered to be a 'vulnerable person'.

The Council will apply the same procedure and similar definition used for racial harassment where reports of this nature are received.

10. DOMESTIC VIOLENCE

Domestic Violence is a crime, which should not be tolerated in any society. Dacorum Borough Council is committed to reducing domestic violence throughout the Borough and to providing high quality support and protection services to those suffering and/or witnessing domestic violence. The Housing Service will work with the Police, the Dacorum Domestic Violence Forum,

refuge agencies and other statutory and voluntary agencies and community groups to help stamp out domestic violence and deal with the perpetrators. Its primary contact will be the Sunflower Project.

The Housing Service will undertake to develop, in consultation, a specific policy for Domestic Violence by April 2006.

11. CHILD PROTECTION

All Children, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and or sexual identity have the right to protection from abuse.

Dacorum Borough Council has adopted a child protection policy and details are available from the Children and Young Peoples Service at the Civic Centre Hemel Hempstead, Civic Centre Berkhamsted and Victoria Hall Tring.

The Housing Service will play an important role in reporting concerns over child protection issues and alerting other agencies and in helping to deal with and prevent the abuse of children.

12. PREVENTING AND TACKLING ANTI SOCIAL BEHAVIOUR

A key objective of the Housing Service is to prevent and deter anti social behaviour where it is possible to do so. To achieve this we have and will continue to:

- Use Introductory Tenancies (introduced January 2002). This means that all new tenants who have not held a tenancy with a Housing Association or local authority immediately before their new tenancy have a “probationary” tenancy for period of one year. Provided no action has been taken to end the tenancy in the meantime, the tenancy automatically becomes secure after the year has elapsed.
- Have a dedicated Anti Social Behaviour Team to deal with difficult or extreme cases of anti social behaviour.
- Participate actively in the Dacorum Community Safety Partnership and be involved in the multi agency problem solving group, which identifies problem areas and patterns of behaviour and applies a multi agency response to address them. This group also manages the Prolific and Priority Offender initiative for the Dacorum area.
- Chair the Anti Social Behaviour Problem Solving group regarding specific problems or individuals and work with all Registered Social Landlords and partners in the Borough to apply effective remedies.

- Continue to provide and develop the Estate Warden Service and work in partnership with Town and Parish Councils and their respective Wardens.
- Participate in the Accreditation pilot scheme to enable Estate Wardens to issue fixed penalty notices for specific offences.
- Work with the Childrens and Young Peoples Service, Youth Service, and any other appropriate groups working with young people to provide a range of diversionary activities within the Borough
- Work in partnership with schools and educational welfare.
- Support and use Housing Link, a floating support service for tenants with mental health, drug or alcohol misuse problems, who have difficulties in maintaining their tenancies.
- Take prompt action to deal with abandoned vehicles, fly tipping and graffiti on the Housing estates and continue to take an active role in Safe and Clean Operations.
- Research best practice, continually develop the service and use new and innovative approaches to combat and deter anti social behaviour.
- To exclude perpetrators of anti social behaviour from the Housing Register in appropriate cases.
 - The Housing Service will also consider and consult on the use of the new legislation relating to demoted tenancies by June 2005. Consultation will take place with the Housing Advisory Panel and staff, and will form part of the final ASB Policy and Procedure document.

13. TENANT AND RESIDENT PARTICIPATION

Dacorum Borough Council has promoted the formation of Tenant/Resident Associations (TARAs) within the Borough since the mid-1990s. The diversity of housing stock across Dacorum dictates that association membership can include council tenants, owner-occupiers, council leaseholders and tenants of other social and private landlords. However, for the Council to fund such groups there must be at least 20% Council tenants living in the area covered. There are now 17 active groups across the Borough and in areas where there are insufficient tenants, neighbours can nominate a single representative who is called a Street/Block or Village Voice. Council leaseholders also have their own group that represents residents with specific leasehold issues.

Residents Associations have shown over the years that they improve community spirit and local pride. Committee members have a vested interest in the improvement of the area in which they live. They can be invaluable in resolving problems and getting things done. Associations work because they

mean that individuals do not have to stand alone when they have a problem such as anti-social behaviour.

The Council supports associations in various ways but specifically improves neighbourhood safety by providing environmental improvement grants that can be used to tackle such things as extra lighting or fencing. The Council also provides each association with at least one notice board in their area. Notice boards let people know that an association operates in an area and that residents are working together to keep it safe. Some of the associations also successfully run neighbourhood watch in their areas too by using their meetings, newsletters and notice boards for dual promotion.

The Housing Advisory Panel meets every six weeks and is the forum that enables representatives to raise issues and influence local service provision. The Panel is chaired by tenant/leaseholder representatives and is made up of elected representatives from each association, the leaseholder group, street/block/village voice representatives, six elected Councillors and a number of Council officers. The exchange of ideas and decision making provides the Council and other agencies with feedback that enables resources to be targeted to address specific local problems.

Tackling anti social behaviour is an emerging theme from the Council's local area working pilot schemes and is of significant concern to local residents. It is anticipated that as the concept develops, the energy and commitment of local communities will be harnessed to take a stand against anti social behaviour, in the spirit of the "Together Campaign" and the Anti Social Behaviour Team will play a supporting role in helping to achieve this.

14. REHABILITATION OF OFFENDERS

We also aim to prevent anti-social behaviour from recurring. Each case will be investigated to see how this can best be achieved. In many cases there are underlying causes for the behaviour, which may need to be addressed in order to achieve a lasting solution.

This could be a number of things from relationship breakdown to mental illness. Where there is an underlying cause, we will work with the tenant or family causing the nuisance to ensure they receive the appropriate advice and support that they need to deal with their problems. If the intervention does not work or they fail to co-operate further appropriate action may be taken.

Preventative measures include:

- Advice on self help measures, the availability of support and diversionary activities
- Referral to the Dacorum Mediation Service
- Non legal undertakings of acceptable behaviour or conduct

- The use of Acceptable Behaviour Contracts for adults and over 10 year olds
- Parental Control Agreements for children under 10
- Referral to Housing Link floating support
- Referral to Youth Inclusion and Support Panels

15. ENFORCEMENT

Where all reasonable steps have been taken to change or prevent anti social behaviour, or in very serious cases, careful consideration will be given to the use of enforcement powers to deal with the problems.

Enforcement measures will include:

- Anti Social Behaviour Orders (In consultation with the Police)
- Noise Abatement Orders (in partnership with Environmental Health Officers)
- A range of Injunctions
- Possession Proceedings and the enforcement of Possession Orders (evictions)
- Prosecution either by the Council, the Police or in partnership

16. APPROACH TO DRUGS AND MAJOR CRIME

The Council will co-operate fully and work closely with the Police and other partner agencies in order to play a major part in the fight against the use of drugs, drug dealing and the incidence of major crime. In particular, the Council wishes to send out a clear message that drug dealing and major crime will not be tolerated and that firm action will be taken against offenders.

17. SUPPORT FOR WITNESSES

To support any successful legal action, it is necessary to have good quality evidence. We recognise that in cases of anti social behaviour this can be very difficult for victims and therefore are committed to providing support and guidance to anyone who finds him or herself in this position.

Where it is possible, evidence will be given by the Council's Officers or Police Officers, on behalf of victims. In very extreme cases it is possible to instruct professional witnesses but this is very expensive and has limited uses.

Most legal action will require evidence from the victims themselves. In these cases a comprehensive support package will be individually designed with the victim to give them with the support they need.

This could include:

- A dedicated support officer to contact
- Alarms fitted to the property in partnership with the Police
- Arranging a visit from the Crime Prevention Officer to assess security of the property
- A tour of the Court and opportunity to understand how it works
- Transport to and from Court
- Separate waiting areas in Court

We will also use the service of WHAC – West Herts Against Crime to provide additional security to properties where possible.

These are just a few of the ways to support witnesses and in extreme cases can involve moving the witness to another property either permanently or temporarily.

18. MULTI AGENCY PARTNERSHIPS

The Housing Service works closely with a range of both voluntary and statutory agencies to deal with anti social behaviour and attends a number of multi-agency meetings, which include:

- The Crime and Disorder Partnership Problem Solving Group, which is a group, established by the Responsible Authorities Officers Group to consider and deal with hotspots and developing patterns of crime and disorder within the Borough.
- The Anti Social Behaviour Problem Solving Group which deals with individuals or specific areas of concern. This meeting is chaired by the Anti Social Behaviour Team who co-ordinate the multi agency response. This group also makes recommendations regarding Anti Social Behaviour Orders.
- Individual case conferences that are arranged to deal with Child protection and vulnerable adult cases, or cases involving mental health or specific needs. (there are separate policies for Child Protection and Vulnerable Adults which are available from the Council)
- Representatives from the Housing Service attend the Multi Agency Public Protection Panel and Area Review Panels.
- Adhoc groups such as the Highfield Working Group

19. INFORMATION SHARING AND CONFIDENTIALITY

Any information given to the Housing Service will be treated in confidence. It will not be passed on to the person complained about without the express permission of the person who gave the information.

Information will be exchanged by signatories of the Information Sharing Protocol and these include the Police, local Housing Associations, Fire Service, and Social Services but the information will be kept confidential by the agencies concerned and will only be used for the purposes that it was supplied.

This exchange of information is permitted under the Crime and Disorder Act 1998 for the purpose of preventing crime and disorder and the risk to others but must comply with Data Protection and Human Rights Acts. The Council will also comply with the Freedom of Information Act 2004 but will not disclose information where exemptions apply.

Anonymous information will be recorded and if possible investigated. However due to the difficulties of checking facts and updating complainants this will be limited.

20. COMMUNICATION

COMMUNICATION AND PUBLICITY

The draft policies and procedures will be considered by the Council's Housing Advisory Panel and by the Social Overview and Scrutiny Committee prior to seeking approval of the Housing Portfolio Holder.

The agreed policies and procedures will be publicised and communicated as follows:

(1) To customers, partner organisations and elected Members:

- Via Press release(s) and by providing comment on relevant news items
- Via Housing News and Views (newsletter sent to the Council's tenants and leaseholders)
- Via the Council's website
- Via the Tenants and Leaseholders handbooks
- Via meetings
- Through dealing with individual cases
- By providing copies of the policy and procedure and summary to partner agencies (such as the Police, Herts County Council, Registered Social

Landlords, Parish and Town Council's etc) elected Members and local MP's.

- A full copy and summary of the policy and procedures will be available for inspection at the Civic Centre Hemel Hempstead, Civic Centre Berkhamsted and Victoria Hall Tring during normal opening hours. A copy will also be made available free of charge to any member of the public on request.

(2) To members of staff:

- Via team meetings
- Inclusion in Grapevine (staff magazine)
- Inclusion in Teamtalk (staff briefing facility)
- Briefings and training sessions for operational staff
- Via the Housing Service Quality Management System Procedure Manual.

21. COMPLAINTS ABOUT THE SERVICE

Complaints regarding the service will be dealt with under the corporate complaints policy, details of which are available from Performance & Administration Manager at the Civic Centre Marlowes, Hemel Hempstead. Tel 01442 228426.

PART TWO

PROCEDURES

21. REPORTING NUISANCE OR ANTI SOCIAL BEHAVIOUR.

(1) Reports from or regarding Dacorum Borough Council Tenants or leaseholders including complaints regarding the Council's Housing property or land.

All reports of this nature should be made to the Tenant Services Officer for the relevant Housing Service area in the first instance. Initial complaints can be made in any of the following ways:

- By telephone
- In writing
- In person
- By e-mail
- Anonymous reports

It is preferable that complaints are made in writing to avoid any misunderstanding of the problem or of the information given. They should be addressed to the appropriate Tenant Services Officer and contact details are attached in appendix 4 of this document.

Reports of noise nuisance from owner occupiers or private tenants should be reported to the Environmental Health Department using the call centre telephone number 01442 867866

Reports of other issues should initially be made to the Tenant Services Officer for the relevant area where advice will be given – contact details as above.

(2) Complaints about Registered Social Landlord Tenants (Housing Associations) including their property and land.

All reports should be directed to the appropriate landlord. A list of the registered social landlords is available from Customer Services.

(3) Complaints of abandoned vehicles, fly tipping and litter not on Housing property or land.

Reports should be made to the Environmental Services Department at Cupid Green (telephone number 01442 228666) or refer to the Environmental

Toolkit available from the Civic Centre Hemel Hempstead, Civic Centre Berkhamsted or Victoria Hall Tring.

22. OUR RESPONSE

A. GENERAL COMPLAINTS

(1) Telephone, written and e-mail complaints – Details of the complaint will be formally recorded, advice will be given and if the matter requires further investigation a nuisance/incident diary will be issued for completion and return. A referral to the Mediation Service will be offered where appropriate and information regarding the service will be provided. In certain cases it will be recommended that a report is also made to other agencies such as the Police.

It is extremely important to complete the nuisance/incident diary. This is an essential part of the investigation process and without detailed reports and information it will not be possible to take the appropriate course of action.

The council aims to provide a response within 5 working days from the date of receipt.

(2) Anonymous complaints - Where possible anonymous complaints will be investigated. However actions will be restricted, as it is not possible to report progress or check back with complainant.

(3) Complaints made in person – If you would like to make a complaint in person, please contact your Tenant Services Officer to make an appointment. This will ensure that the Officer has time to deal with the report. The process will then follow as for the complaints in (1) above.

These complaints would include loud and frequent parties, regular and loud noise particularly late at night which includes shouting, swearing and noise from audio systems, boundary disputes, condition of gardens, minor vandalism, non offensive graffiti, one off parties, normal domestic activities and children's play including ball games.

These are just examples and are not an exhaustive list.

B. RACIAL HARASSMENT AND SERIOUS COMPLAINTS.

(1) Racial Harassment/hate crime or incidents (section 8) - will be treated with the highest priority. They include reports of racial harassment and the harassment detailed in section 8 of this document.

(2) Threats or actual violence against persons, drug dealing, and intimidation or criminal activities.

These complaints can also be received in any of the above ways. Details of the incidents will be taken and where appropriate and in consultation with the Tenant Services Manager the matter will be referred to the Anti Social Behaviour Team for investigation. Victims will be encouraged and supported to make reports of the incidents to the Police.

Our initial response will include same day contact with the victim; any witnesses and all parties will be interviewed within 2 working days where ever possible.

23. PROCESSING A COMPLAINT

Once a complaint has been received, the Tenant Services Officer (TSO) will decide upon the most appropriate course of action in consultation with the Tenant Services Manager if appropriate. This will usually involve the complainant completing an incident diary form and returning it to the Officer.

On receipt of the completed incident diary from the complainant, the TSO will make an assessment and notify the complainant of the outcome. In reaching this decision the TSO will consider:

- The nature and severity of the behaviour
- The frequency of incidents
- If the perpetrator is known or has/can be identified
- The impact of the behaviour on the complainant and any witnesses
- If there are contributory factors such as the design of the building
- The circumstances of the perpetrator and victim and whether either are vulnerable.

The response may include the following self help:

- Advice to speak to neighbour
- Offer of referral to the Mediation Service
- Voluntary agencies that may help including Citizens Advice Bureau

If it is not appropriate for the Council to become beneficially involved in the complaint, the complainant will be asked to contact the TSO if the problem becomes more serious, or if there is a change in the nature of the problem.

We will aim to respond within 5 working days from receipt.

Where action by the Council is required it will depend on the seriousness and the nature of the behaviour. In most cases it will include one or more of the following:

- Writing to or interviewing the perpetrator
- Referral to the Mediation Service
- Referral to the Anti Social Behaviour Team
- Full investigation which can include other agencies such as Environmental Health or the Police
- Use of Acceptable Behaviour Contracts
- Undertakings (agreements to behave in a certain way)
- Injunctions
- Notice Seeking Possession
- A Possession order
- Eviction
- Exclusion from the Housing Register
- Anti Social Behaviour Orders

The appropriate Tenant Services Manager will make referrals to the Anti Social Behaviour Team, from the area teams .

Referrals to the Anti Social Behaviour Team will also be made direct by the Police and by other partners from within the Community Safety Partnership.

24. WITNESS SUPPORT

Where it is necessary for legal action to be taken the Council will provide an individual support package for witnesses. This will include at least one of the following but will be decided upon in consultation with the witness to meet their individual needs.

- Named support and regular contact with the Case Officer
- Additional security measures at home – provided in partnership with the Police and West Herts Against Crime.
- Visits to Court to familiarise the witness with the Court and the process
- Accompanied travel to and from Court
- Where ever possible separate waiting areas in Court
- Involvement in action plans
- Advice on support agencies
- Regular support visits by Estate Wardens and where possible Police Community Support Officers.

In very exceptional cases where appropriate and only where the witness requests, alternative accommodation may be provided for the duration of the legal process or permanently. Such action would need to comply with the Council's Allocation Policy and the criteria used for considering moves on management grounds.

25. MONITORING ANTI SOCIAL BEHAVIOUR

We will record the number of:

- All complaints
- Racial harassment cases
- Hate crime / incidents
- Cases referred for mediation
- Acceptable Behaviour Contracts agreed
- Acceptable Behaviour Contracts refused
- Undertakings agreed
- Undertakings refused
- Anti Social Behaviour Orders obtained
- Interim Anti Social Behaviour Orders obtained
- Injunctions for ASB or breach of tenancy
- Introductory tenancies involved in ASB
- Introductory tenancies where Notice of Proceedings for Possession is served for ASB.
- Notices Seeking Possession served for ASB
- Possession orders obtained for ASB
- Evictions carried out on the grounds of ASB

If after consideration and consultation the Council agrees to adopt the Demoted Tenancy Procedure the following will also be recorded:

- Number of demoted tenancies
- Number of demoted tenancies returned to Court for possession proceedings.

In addition all recorded complaints will receive a satisfaction survey form regarding the service that has been provided. The survey will be reported to the Social Overview and Scrutiny Committee on a quarterly basis with the information detailed above.

26. COMPLAINTS ABOUT THE SERVICE

It is preferable that complaints about the service are made in writing but they can also be made in person or by telephone. All complaints are closely monitored by the Performance and Administration Manager and are dealt with in accordance with the Council's complaints system.

27. REVIEW

This statement of Policy and Procedures will be a working document from January 1st 2005, however it will also be a document that welcomes comments from all of our partners and our customers and will be reviewed in June 2005 to form a final document.

Subsequently the document will be reviewed in the light of new legislation or on a 2 yearly basis which ever is the earlier

APPENDICES

- 1. LEGISLATION**
- 2. CONTACT DETAILS**

APPENDIX 1

RELEVANT LEGISLATION

1. Best Value and the Local Government Act 1999

The Local Government Act 1999 applies a duty of Best Value on local authorities to deliver real and sustained improvements in the quality of services which local people receive.

2. Race Relations Amendment Act 2000

The general duty under this Act is to:

- Eliminate unlawful racial discrimination
- Promote equal opportunity
- Promote good race relations between people of different racial groups

3. Crime and Disorder Act 1998:

The Crime and Disorder Act came into force in September 1998. It places a duty on local authorities and the Police to form a partnership and develop with key partners a Community Safety Strategy to tackle crime and disorder. Under section 17 there is a duty for 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 main provisions under the Crime and Disorder Act 1998 are:

- **Anti Social Behaviour Orders** – Civil orders that exist to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting the offender from specific anti social acts or entering areas and is effective for a minimum of 2 years. Orders can be granted against any person over the age of 10 years.
- **Child safety orders:** enabling a child to be placed under the supervision of a responsible officer (usually a social worker or member of the Youth Offending Team) for, normally, three months
- **Parenting orders:** may be imposed by the Court at the same time as an ASBO is granted and may require parents or guardians of children between 10 and 17 years of age to attend counselling or guidance sessions
- **Local child curfew** (as amended by the Anti-Social Behaviour Act 2003): designed for the Police to deal with unsupervised children on the streets at night

- **Power to remove truants:** enabling a Police Officer to take a child believed to be truanting back to school
- **Reparation orders:** requiring young offenders to make amends to their victim or the wider community
- **This act created new offences** including racially aggravated assaults, criminal damage, public order offences and harassment.

4. Human Rights Act 1998

Under this Act a victim suffering an abuse of one of the human rights will be entitled to complain to a court of law in the United Kingdom and seek compensation

Keys rights that are significant for the Council are:

- Prohibition of discrimination
- Respect for private and family life
- Right to a fair and public hearing

5. Homelessness Act 2000

The Homelessness Act places a duty on the Council and its statutory partners to work together to prevent homelessness and to help to sustain vulnerable people in particular in their tenancies. Where a household's tenancy is put at risk as a result of anti-social behaviour carried out by a tenant or someone in their household or a visitor, then demonstrable steps must be taken to show that all other options have been pursued before a Possession Order is sought.

Tenant Services Officers and Anti Social Behaviour Officers must ensure that Homelessness Officers, and Housing Advice Officers are kept informed of cases where court action is planned and the preventative steps that are being taken.

Under this Act Dacorum Borough Council can decide that an applicant for housing has been guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant of this authority.

6. Housing Acts 1985 & 1996

Possession Orders: A social landlord can apply to the County Court for an order for possession which could lead to eviction under the powers contained in the Housing Act 1985 where nuisance or anti-social behaviour is affecting the locality.

Injunctions: An injunction is a civil remedy which is obtained through the County Court and either compels a person to do something or forbids a person from doing something. The breach of an injunction is not, in itself, a criminal offence but it is contempt of court and could lead to a fine or imprisonment. Injunctions under s.222 of the Local Government Act 1972 remain available, but the Housing Act 1996 increases the powers in the case of nuisance or anti-social behaviour. The Housing Act 1996 also allows for the

power of arrest in relation to a breach or an anticipated breach of the terms of the injunction.

Introductory/Starter/Tenancies: If the organisation has brought in introductory tenancies then the procedures need to specify the additional provisions, which such tenancies contain. Introductory tenancies enable easier repossession of homes during the first twelve months of the tenancy where there are grounds for eviction (for instance due to anti-social behaviour or rent arrears).

Housing Act 1996 Exclusion from the Waiting List: This legislation allows local authorities the power to exclude certain categories of people from the Housing waiting list, for example those with a record of serious anti-social behaviour.

7. Anti-Social Behaviour Act 2003:

This new, important piece of legislation strengthens the powers of landlords to deal with anti-social behaviour in the following ways:

- A Power of arrest can be attached to an injunction obtained through the Local Government Act 1972 if there is a threat of violence or use of violence or there is significant risk of harm
- Proceedings for Possession: the Act now allows courts to take the following issues into account when they are considering granting possession orders:
 - . The effect on those in the locality if the nuisance is repeated
 - . The effect of the nuisance on those in the locality
 - . The continuing effect of the nuisance
- Anti-Social Behaviour Injunctions: the legislation now gives housing associations and local authorities the power to injunct anyone – not just tenants – who are causing a nuisance which affects the way estates are managed and gives protection to those engaged in lawful activity on the estate or members of the landlord's staff carrying out their duties

Demoted Tenancies: Registered Social Landlords and local authorities can apply to the County Court for a Demotion Order. If a secure tenancy is demoted then, for a period of 1 year, the tenant has some rights reduced and repossession during the year becomes easier.

8. Police Reform Act 2002: It is now possible for interim ASBOs to be granted, for a fixed period of time, to prevent further anti-social behaviour pending the full ASBO being obtained.

9. Protection from Harassment Act 1997: This legislation provides a power of arrest and the possibility of a Restraining Order being obtained in the Magistrates' Court which could carry a penalty of up to 5 years' imprisonment. The intention is to prevent a perpetrator from entering an estate and/or harassing others.

10. Civil Evidence Act 1995: In civil proceedings, either in the County Court or the Magistrates' Court, hearsay evidence is admissible. This might allow evidence to be given where a witness is too frightened to attend court personally.

11. Environmental Protection Act 1990: Imposes a legal obligation on local authorities to take such steps as are reasonably practical to investigate complaints of statutory nuisance, which includes noise nuisance.

Such noise is that "emitted from premises so as to be prejudicial to health or a nuisance".

Legal action can be taken in the Magistrates' Court. Extreme noise can lead to equipment being seized and prosecution can lead to a fine.

APPENDIX 2 – CONTACT DETAILS

Opening hours:

Monday to Thursday 8.45 am to 5.15pm

Friday 8.45 am to 4.45pm

NOT OPEN BANK HOLIDAYS

EAST TEAM

Areas covered

Bennetts End	Adeyfield	Highfield
Woodhall Farm	Grovehill	Nash Mills
Leverstock Green	Cornerhall	

Tenant Service Officers Contact numbers: 01442 228898, 01442 228443, 01442 228831, 01442 228487.

Estate Wardens Contact Numbers: Bennetts End, Nash Mills, Northend, Leverstock Green 07747 898378. Grovehill, Highfield, Adeyfield and Woodhall Farm 07866 703034

WEST TEAM

Gadebridge	Tring	Berkhamsted
Warners End	Chaulden	Boxmoor
Apsley	Kings Langley	Markyate
Flamstead	Bovingdon	Chipperfield
Wigginton	Wilstone	Long Marston
Aldbury	Potten End	Great Gaddesden
Gaddesden Row		

Tenant Service Officers contact numbers: 01442 228926, 01442 228947, 01442 228489, 01442 228908.

Estate Warden – 07810 814762

ANTI SOCIAL BEHAVIOUR TEAM

01442 228820	01442 228256
01442 228834	01442 228450