Purpose

All social landlords in England and Wales are required to prepare and publish policies and procedures in relation to anti social behaviour (s218A Anti Social Behaviour Act 2003). The duty is threefold:

- To publish a policy statement
- To publish a statement of procedure and
- To publish a summary of the policy and procedure

This document fulfils the legal requirements and is designed to give a clear statement of our approach to anti social behaviour.

Mansfield District Council is committed to ensuring that we not only comply with this duty but that our neighbourhoods are safe and welcoming places to live. This policy will apply to all Mansfield District Council tenants.

Our aim is to prevent anti social behaviour (ASB) before it starts, intervene appropriately where we can, and enforce the tenancy conditions relating to ASB when required.
The general terms within our tenancy conditions relating to ASB is consistent with the definition included in the Crime and Disorder Act 1998 definition defines ASB as behaviour that:

‘Caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the complainant’.

The term anti social behaviour is applied to a wide range of behaviours and can include:

- Domestic violence
- Physical violence
- Harassment, racist harassment or hate crime
- Drug &alcohol abuse causing anti social behaviour
- Using illegal drugs
- Playing music loudly or causing a noise nuisance
- Not keeping pets under control
- Fly tipping, dumping rubbish and setting fires
- Damage or neglecting property or gardens
- Illegal or immoral use of a property
- Graffiti
- Neighbour nuisance

This is not an exhaustive list and we will assess all reports of ASB individually.

References

When considering this policy, references should also be made to:

- Mansfield District Council Corporate Plan
- Mansfield District Council’s Community Safety Strategy
- The Sustainable Community Strategy
- RESPECT standard for Housing Management

Legal Framework

As a minimum our approach to ASB is delivered in line with the legal requirements affecting the council including:

- Housing Act 1985 and 1996
- Data Protection Act 1998
- Environmental Protection Act 1990 & Statutory Nuisance Act 1993
- The Crime and Disorder Act 1998 (as amended)
- Race Relations Amendment Act 2000
- Human Rights Act 1998
- The Anti Social Behaviour Act
- Housing and Regeneration Act 2008

The relevant areas of the above legislation are included in appendix 1
Definitions

It is important to note that there is no commonly agreed definition of what is meant by the term anti social behaviour. For the purpose of this policy, the definition of anti social behaviour is consistent with that used in the Crime and Disorder Act 1998;

Section 1 (1) of the Act defines anti social behaviour as ‘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 complainant’.

POLICY STATEMENTS

Mansfield District Council’s vision is to;

- Create a positive image of Mansfield which supports people, businesses and investment in the area.
- Improve confidence, pride and dignity so that everyone can enjoy a good quality of life in their neighbourhood.

Policy Objectives
To achieve the Council’s vision the Corporate Plan identifies the following 5 priorities:

- Revitalise Our District, Town Centres & Neighbourhoods
- Reduce Crime & Disorder
- Ensure Decent Homes for All
- Develop a High Quality, Clean, Green & Pleasant Environment
- Ensure Effective Leadership & Management

This Anti Social Behaviour Policy supports the reduction of Crime and Disorder priority by stating how Mansfield District Council’s housing department will work to prevent ASB in our neighbourhoods, how we will respond to ASB in our neighbourhoods and how we will work to ensure that our neighbourhoods are safer places for our tenants, staff and partners.

To demonstrate that we will do everything that is reasonably possible to tackle anti social behaviour and deliver a high quality service, we have signed up to the Government’s RESPECT standard.

The RESPECT Standard sets out seven core commitments which are:

- Demonstrates leadership and strategic commitment
- Provides an accessible and accountable service
- Focuses on prevention and early intervention
- Adopts a supportive approach to working with victims and witnesses
- Protects communities through swift action
- Ensures the approach to value for money is embedded in the service
- Encourages individual and community responsibility
Our approach to anti social behaviour
As a landlord we will take a balanced approach to tackling ASB focusing on:

- Prevention
- Intervention
- Enforcement

Prevention
As a landlord we understand the importance of preventing ASB before it starts and addressing it as soon as we can. Not only in terms of making our neighbourhoods safer places, but the added value and cost effectiveness that this has in preventing homelessness and avoiding potential costly and lengthy court cases.

Roles and responsibilities
We will ensure that tenants are made aware of their responsibilities with regards to ASB and the support that they can receive if needed at tenancy sign up and any subsequent visits (Post tenancy visit). Our tenancy conditions will clearly state tenant responsibilities with regards to nuisance and harassment.

We will make available to all tenants information on how to report incidents of ASB and how we will deal with them including the standards of service they can expect from us.

As a landlord we will adopt a range of preventative measures including:

- Assessing tenants needs at application stage
- Working with young people across the district
- Designing out ASB in our existing estates and new developments
- Using introductory tenancies
- Using sensitive lettings where appropriate
- Undertaking safety and security measures on our estates and individual homes
- Continually reviewing our performance in preventing and dealing with reports of ASB

Working in Partnership
Partnership working is crucial if we are to prevent ASB and tackle it quickly and effectively.

Examples of our partner agencies include:

- Police
- Health services
- Social Services
- Youth Offending Service
- Probation
- Fire service
- Other registered social housing providers
- Victim support
We also attend a number of multi agency forums aimed at strategically planning and targeting resources to prevent and reduce anti social behaviour across the district including Mansfield Partnership Against Crime (MPAC)

**Intervention**
Where appropriate we will intervene to address issues of ASB and we will work with our partners to deliver a range of interventions including:

- Various methods for reporting ASB
- Early robust response to an initial report of ASB
- Family Intervention Projects (where appropriate)
- Acceptable Behaviour Contracts
- Tenancy Support
- Witness support

A close working relationship with the legal team and the Community Safety team is also essential for the effective management of ASB cases and Senior Tenancy Service Officers (STSO) are responsible for the referral of any cases to the Legal Services and specialist ASB team within the Community Safety team.

Cases that can be referred to the ASB team include more complex matters, such as anti social behaviour which is having an adverse affect on the wider community.

The STSO is also responsible for authorising joint working and together with our partner agencies, we have signed an ‘Information sharing protocol’ that enables us all to share appropriate and relevant information when dealing with cases of ASB. All information is shared in line with the protocol and within the terms of the Data Protection Act 1998 and the Crime and Disorder Act 1998 (as amended).

Officers will also attend the four weekly meeting of the Safer Mansfield, where all agencies meet to deal with the more complex cases of anti social behaviour and agree a support plan for high risk victims.

As a landlord we will ensure that all our staff are adequately trained to deal with anti social behaviour and are kept up to date with any changes in the law and their implications on working practices

**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 problem. There is a range of enforcement measures we can and will use including:

- Parenting Orders / Parenting Contracts
- Suspending Right to Buy claims
- Withhold consent for Mutual exchange
- Injunctions
- Notice Seeking Possession
- Mediation
This is not an exhaustive list and we will consider all available tools at our disposal. Eviction however will always be a last resort.

Reporting ASB
We will accept reports of ASB from our tenants, members of the community, our partners and other agencies. (Where the perpetrator is not a council tenant, a referral may need to be made to the appropriate department / agency)

We offer a range of methods for reporting incidents of ASB including:

- By phone
- By email
- In person

We will deal sensitively with all reports of ASB and also promote a culture that encourages victims to report any incidents that affect them. We will remain professional and non judgemental when we are working with both victims and alleged perpetrators of ASB.

We will investigate all reported incidents (including anonymous reports where possible) and deal with incidents of ASB appropriately and within our agreed timescales. The table below shows the response times for specific incidents of ASB.

<table>
<thead>
<tr>
<th>Category 1 – response within 24 hours</th>
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<tbody>
<tr>
<td>Racial Harassment</td>
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<tr>
<td>Hate crime</td>
</tr>
<tr>
<td>- any reports of hate crime and racial harassment shall be dealt with in line with our Hate crime / Racial Harassment Policy</td>
</tr>
<tr>
<td>Threats and violence</td>
</tr>
<tr>
<td>Domestic violence</td>
</tr>
<tr>
<td>Offensive graffiti</td>
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</tbody>
</table>

<table>
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<tr>
<th>Category 2 – response within 5 working days</th>
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</thead>
<tbody>
<tr>
<td>Litter / fly tipping</td>
</tr>
<tr>
<td>Drug misuse, supply, production</td>
</tr>
<tr>
<td>Dangerous dogs</td>
</tr>
<tr>
<td>Intimidation / harassment</td>
</tr>
<tr>
<td>Noise nuisance</td>
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</tbody>
</table>

<table>
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<tr>
<th>Category 3 – response within 10 working days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal nuisance / dog fouling</td>
</tr>
<tr>
<td>Prostitution, sex acts, kerb crawling</td>
</tr>
<tr>
<td>Criminal damage to communal area</td>
</tr>
<tr>
<td>Vandalism and damage to property</td>
</tr>
<tr>
<td>Verbal abuse</td>
</tr>
<tr>
<td>Parking disputes</td>
</tr>
<tr>
<td>Poorly maintained gardens</td>
</tr>
<tr>
<td>Unacceptable condition of property, breach of tenancy conditions</td>
</tr>
<tr>
<td>Car repair / vehicle nuisance</td>
</tr>
<tr>
<td>Boundary disputes</td>
</tr>
<tr>
<td>Misuse of shared areas</td>
</tr>
<tr>
<td>Non offensive graffiti</td>
</tr>
</tbody>
</table>
Our procedure for dealing with reports of anti social behaviour can be found in appendix 2 of this policy and further details on the standards for responding to and dealing with reports of ASB are available in our service standards in appendix 3.

**Working towards a harm centred approach**

Whilst we will refer to the published categories for ASB and use the timescales as a guide, we recognise that ASB is often a perception based issue that can occur overtime rather than in a single incident and that ASB can also disproportionately affect one victim compared with another because of their individual circumstances.

Our approach to dealing with incidents of ASB therefore looks in detail at the effect on the victims and witnesses of ASB irrespective of the grading or categorisation of the type of ASB and reflects where possible the harm centred approach which is based on five key elements including:

- An effective call handling system that identifies repeat ASB, harm and vulnerability
- A risk assessment tool that enables practitioners to accurately identify and assess the impact of ASB on individuals and households.
- IT systems and the innovative use of IT to help provide a quicker and more timely collective and partnership response and ensure effective information – sharing is taking place
- As common set of principles for how ASB should be managed that focuses on the victim
- An approach to community engagement that identifies community concerns, priorities and harm at a neighbourhood level

**Witness Support**

We recognise that witnesses are crucial to tackling anti social behaviour; whether they are victims of anti social behaviour or residents who have seen anti social behaviour directed against someone else or in the wider neighbourhood.

We understand the needs of witnesses will differ from person to person and we will ensure that the support we provide is tailored to meet each individual’s needs.

**Working with perpetrators**

We acknowledge that some perpetrators of ASB may themselves be vulnerable or have been victims of ASB in the past. We will work with vulnerable tenants to ensure that they have access to appropriate support, whether this is through our own services or through our partners.

We have made a commitment in our Vulnerability Policy to assessing the needs of tenants at application stage, in order to identify any support that they may require to sustain their tenancy.
Where appropriate we will work with perpetrators to understand the reasons behind their behaviour and give them an opportunity to change.

**Review**
This statement of Policy and Procedures will be a working document from April 2011

The document will be reviewed and updated on a 2 yearly basis or if new legislation is introduced.

**RELATED POLICIES**

Vulnerable Persons Policy  
Domestic Violence Policy  
Safeguarding Policy  
Allocations Policy  
Equality and Diversity Policy  
Tenancy Conditions  
Recharges Policy  
Data Protection Policy  
Data retention Policy  
Hate Crime / Harassment Policy  
Complaints Policy

**KEY PERFORMANCE INDICATORS**

Number of new ASB cases  
Number of new ASB cases by category of ASB  
Actions taken to tackle ASB  
Number of live, resolved and unresolved ASB cases  
Number of closed ASB cases by category of ASB  
Number of resolved cases for each main intervention that led to case resolution  
Complainant satisfaction with handling and outcome of ASB cases

**PERFORMANCE MANAGEMENT**

Senior Tenancy Service Officers will go through individual cases with Tenancy Service Officers on a monthly basis to ensure service standards and timescales are being adhered to and effective case management.

A quarterly report covering all identified performance information will be presented to the ASB Improvement group and Housing Services Panel for scrutiny, with an end of year report included in the Tenants Annual Report.

**OTHER VERSIONS OF THIS POLICY**

Although this document is the main one, a summary has also been produced for tenants
Appendix 1; Legislation relating to ASB

Noise

- Noise Act 1996 (s2) (s8(1)) updated by s42 of the Anti Social Behaviour Act 2003
- Environmental protection Act 1990 s79 – 80
- Noise Act 1996 s10 9 (as amended by s84, schedule 1 Clean Neighbourhoods and Environment Act 2005)
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)
- Environmental Protection Act 1990 s80 – 81 (updated by s79 Noise and Statutory Nuisance Act 1993)
- Anti Social Behaviour Act 2003 s40/41
- Licensing Act 2003 s161 – 170

Nuisance behaviour

- Public Order Act 1986 s5
- Anti social behaviour Act 2003 s30 – 36
- Local Government Act 1972 s222
- Crime and Disorder Act 1998 s8 (updated by the Police Reform act 2002)

Animal related issues

- Environmental Protection Act 1990 s80
- Noise Act 1996 s2, s8(1)
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)

Vehicle related

- Police Reform Act 2002 s59 – 60
- Road Traffic Act 1988 s34
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)
- Powers of the Criminal Courts (Sentencing) Act 2000 s146 (1)
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)

Intimidation & Harassment

- Protection from Harassment Act 1997 s2
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)

Hate Crime

- Crime and Disorder Act 1998 s28 (updated by the Police Reform Act 2002)
Drug / substance misuse

- Misuse of drugs Act 1971
- Anti Social Behaviour Act 2003 s1 – 11
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)
- Local Government Act 1972 s222

High hedges

- Anti Social Behaviour Act 2003

Drug dealing

- Anti Social Behaviour Act 2003 s 1 – 11
- Misuse of Drugs Act 1971
- Housing Act 1996 s153b (as amended by part 2 Anti Social Behaviour Act 2003)
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)

Street Drinking

- Public order Act 1986 s5
- Criminal Justice & Police Act 2001 s12 – 16
- Criminal Justice Act 1967 s91
- Anti Social behaviour Act 2003 s30 – 36
- Local Government Act 1972 s222
- Licensed Premises (Exclusion of Certain persons) Act 1980
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)
- Violent Crime reduction Act 2006

Prostitution

- Street Offences Act 1959 s1
- Sexual Offences Act 2003 s56
- Criminal Justice Act 2003
- Crime and Disorder Act 1998 (update by the Police Reform Act 2002)

Criminal damage & vandalism

- Criminal Damage Act 1971 s1 & s44
- Anti Social Behaviour Act 2003 s43
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)

Graffiti – fly posting

- S1 and s44 Criminal Damage Act 1971
- S48 – 52 Anti Social behaviour Act 2003 (updated by s31 Clean Neighbourhoods and Environment Act 2005)
- S43 Anti Social behaviour Act 2003
- Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)
Fly tipping

- Control of pollution Act (1974)
- S33 Environmental Protection Act 1990 (updated by s41-44 Clean Neighbourhoods Act 2005)
- S34 Environmental Protection Act 1990 (updated by s45-46 Clean Neighbourhoods Act 2005)
- S3 Control of Pollution (amendment) Act 1989
- S1 Control of Pollution (amendment Act) 1989 (updated by s35-36 Clean Neighbourhoods and Environment Act 2005)
- S48 Clean neighbourhoods and Environment Act 2005

Litter and waste

- S88, 92, 93, 94 Environmental protection Act 1990
- S56 Anti Social Behaviour Act 2003
- S94B and schedule 3A paragraph 7.2, Environmental Protection Act 1990 (inserted by s23 Clean neighbourhoods and Environment Act 2005)
- S92A, 92b, 92C, and 94A into the Environmental Protection Act 1990 as inserted by s20 Clean neighbourhoods and Environment Act 2005

Abandoned vehicles

- S2 refuse Disposal (Amenity) Act 1978 as amended by s11 Clean neighbourhoods and Environment Act 2005
- S4 Refuse Disposal (amenity) Act 1978 as amended by s12, Clean neighbourhoods and Environment Act 2005
- S33 Environmental Protection Act 1990
- S46 Powers of Criminal Courts (sentencing) Act 2000

Nuisance parking

- Sections 3-6 Clean neighbourhoods and Environment Act 2005

Dog Fouling

- S55-67 Clean Neighbourhoods and Environment Act 2005