

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	The Executive
Date:	28th November 2016
Subject:	Anti Social Behaviour Policy
Portfolio Holder(s):	Councillor Aled Morris Jones
Head of Service:	Shan LI Williams, Head of Housing Services
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Local Members:	Relevant to all Elected Members

A –Recommendation/s and reason/s
<p>Members of the Executive Committee are asked to approve the adoption of the Policy.</p> <p>R1 To approve the adoption of the new Anti Social Behaviour Policy 2016.</p> <p>Reasons</p> <p>1.0 Background</p> <p>1.1 It is a requirement of the Anti-Social Behaviour Act 2003 that all social landlords adopt and publish a policy for dealing with anti-social behavior.</p> <p>1.2 On 20th October 2014, the the Anti-social Behaviour, Crime and Policing Act 2014 came into effect in England and Wales, setting out a new person-centred approach to tackling anti social behavior.</p>

1.3 The existing Anti-Social Behaviour Policy was written in 2010 and requires updating to ensure that it is compliant with current legislation and allows officers to make use of the full range of measures available to support victims and address complaints of anti-social behavior.

1.4 The Anti-Social Behaviour Crime and Policing Act 2014 has streamlined the measures available to professional bodies and created 6 main powers to compliment other existing remedies which continue to be available. The 6 new powers are listed below. Of these powers, 1.4.1, 1.4.3 and 1.4.5 relate to the housing management function ;

1.4.1 Civil Injunction

1.4.2 Criminal Behaviour Order

1.4.3 Community Protection Notice (CPN)

1.4.4 Public Spaces Protection Order (PSPO's)

1.4.5 Closure Notice

1.4.6 Dispersal Order

1.5 A comprehensive list of all the remedies available are listed in Appendix 1 of the Anti-Social Behaviour Policy 2016.

2.0 An Equality Impact Assessment (EIA), has been completed in relation to the draft policy, which suggests that implementing the policy will not have any adverse impact on any of the statutory protected groups.

2.1 It is considered that the policy is lawful, necessary and proportionate.

B – What other options did you consider and why did you reject them and/or opt for this option?

1) There are no other options for consideration.

Not updating the Anti Social Behaviour Policy 2010 is not an option as it is outdated and no longer conforms to legislative requirements and does not

allow delegated officers to make the best use of new measures available to support victims of anti-social behavior introduced in the Anti Social Behaviour Crime and Policing Act 2014.

C – Why is this a decision for the Executive?

To ensure that the policy has the full approval and support of the Executive Committee.

D – Is this decision consistent with policy approved by the full Council?

- 1) All Social landlords, are required to have and publish, an Anti Social Behaviour Policy.
- 2) Rejecting this policy would mean that the Council as a social landlord, would not be able to avail ourselves of all the remedies available under the new Anti Social Behaviour Crime and Policing Act 2014.
- 3) Rejecting this policy would mean that the Housing Service would be unable to offer the full range of support to those suffering the effects of anti social behavior and could be open to legal challenge.

DD – Is this decision within the budget approved by the Council?

Not appliccable

E – Who did you consult?

What did they say?

E – Who did you consult?		What did they say?
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	Yes
2	Finance / Section 151 (mandatory)	Yes
3	Legal / Monitoring Officer (mandatory)	Yes
4	Human Resources (HR)	Yes
5	Property	Not appliccable
6	Information Communication Technology (ICT)	Not Appliccable

7	Scrutiny	No
8	Local Members	Yes - copy of proposed policy circulated to all local members. No comments received.
9	Any external bodies / other/s	<ul style="list-style-type: none"> ▪ Housing Management Team ▪ Community Safety Lead Officer ▪ Solicitor for Housing Services ▪ Tenant focus group ▪ Officers involved with delivering housing management function. ▪ Anti-Social Behaviour Officer.

F – Risks and any mitigation (if relevant)		
1	Economic	Not appliccable
2	Anti-poverty	Not appliccable
3	Crime and Disorder	Yes
4	Environmental	Not appliccable
5	Equalities	Yes
6	Outcome Agreements	Not Appliccable
7	Other	Not Appliccable

FF - Appendices:
For any further information please contact Karen Roberts, Principal Housing Officer.

G - Background papers (please contact the author of the Report for any further information):
<ul style="list-style-type: none"> ▪ Anti-Social Behaviour Policy 2016 (draft) ▪ Equality / Language Impact Assessment. ▪ Anti Social Behaviour Crime and Policing Act 2014

Isle of Anglesey County Council – Housing Services
Anti-Social Behaviour Policy 2016

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1. Introduction

- 1.1.** Housing Services recognise that anti-social behaviour ('ASB') can have a significant impact on the lives of our tenants and residents.
- 1.2.** We believe that all tenants and residents have the right to enjoy peace, quiet and security in and around their home. We appreciate that anti-social behaviour can have a devastating effect on victims and to this end, the Isle of Anglesey County Council's Housing Service is committed to tackling anti-social behaviour as quickly and effectively as possible, by working in partnership with a variety of agencies and using the full range of powers available, as defined in the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.3.** All reported acts of anti-social behaviour, including domestic abuse and hate crime will be taken seriously and we will endeavour to deal with all complaints swiftly and in a robust manner whilst providing support to those who are affected.

2. Policy statement

- 2.1.** With a view to reducing the impact of anti-social behaviour for tenants, residents and the wider community, the aim of this policy is to clearly set out how Anglesey County Council's Housing Service will respond to and manage complaints of anti-social behaviour on our estates.
- 2.2.** We will do this by :
 - Streamlining the reporting of anti-social behaviour to make it easier for victims and or complainants.
 - Adopting an early intervention and prevention approach.
 - Putting victims first by considering from the outset the effect of the ASB on victims and any risk to them by focusing on identifying vulnerabilities and potential safeguarding issues.
 - Responding proportionately and in a timely manner.
 - Considering each case on its own merits and applying a problem solving approach to each reported case.
 - Working with partner agencies to ensure that the best solution is found and implemented as swiftly as possible.
 - Responding to legislative changes and making the best use of powers available to the Council and other responsible partners.

3. Strategic Context

- 3.1.** Anglesey County Council shares the Government and Welsh Governments' commitment to reducing anti-social behaviour.
- 3.2.** The Anti-Social Behaviour Act 2003, placed a requirement on social housing providers to adopt and publish policies on anti-social behaviour. The roles and responsibilities of social landlords are also clearly set out in the Government's publication 'Policies and Procedures – Code of Guidance for Local Authorities and Housing Associations (2005)'.
- 3.3.** In addition to the above, Anglesey Council's Housing Service is also committed to signing up to the Welsh Governments' 'Wales Housing Management Standard for Tackling Anti-Social Behaviour' (The Standard) which is built around seven core commitments which enable landlords along with partner agencies to deliver effective and holistic responses to tackling anti-social behaviour.
- 3.4.** The core components of the of The Standard are ;
 - Commitment, leadership and accountability.
 - Empowering and reassuring residents.
 - Prevention and early intervention.
 - Support to tackle the causes of ASB.
 - Tailored services for residents and support for victims and witnesses.
 - Protecting communities through swift enforcement.
 - Encouraging community responsibility.
- 3.5.** This policy has been written to ensure that our actions underpin the Governments strategic vision for tackling anti-social behaviour, with the aim of achieving the creation of strong and safer communities, whilst also underpinning Anglesey Council's strategic aims and objectives of providing high quality services that meet the real needs of our local community and protect the most vulnerable.

4. Legal Framework

- 4.1.** Anglesey Council's Housing Service will at all times work within the legislative framework, and will have regard at all times to statutory guidance. The main areas of legislation to which we will have regard when administering this policy are:
 - Anti-Social Behaviour Crime and Disorder Act 2014

- Housing Acts 1985, 1988, 1996 and 2004
- Housing (Wales) Act 2014
- Health and Wellbeing Act 2016
- The Homelessness Act 2002
- Crime and Disorder Act 1998
- The Care Act 2014
- Human Rights Act 1998
- Data Protection Act 1998
- Equality Act 2010
- Racial and Religious Hatred Act 2006
- Environmental Protection Act 1990
- Noise and Statutory Nuisance Act 1993
- Children's Act 1989 (amended 2005)
- Criminal Justice Act 2003
- Anti-Social Behaviour Act 2003
- Protection from Harassment Act 1997
- Mental Capacity Act 2005
- Mental Health Act 2007

5. Stakeholders

5.1. This policy will primarily affect the following stakeholders ;

- Tenants and residents living on or within the vicinity of Council dwellings.
- Businesses operating within the vicinity of Council dwellings.
- Council officers from all departments.
- Contractors.
- Local members and Town Councillors.

- Volunteers.
- Police and youth justice workers.
- Members of the public visiting estates.

6. Data Protection and Sharing of information.

- 6.1. All data will be stored in accordance with the Council's Data Protection Guidelines, whilst adhering to the overarching requirements of the Data Protection Act 1988.
- 6.2. We will not share any information provided to us with respect to the reporting of ASB without the consent of the complainant *unless* the Council feels that there are overwhelming safeguarding issues which must be addressed.
- 6.3. Section 115 of the Crime and Disorder Act 1998 provides the statutory framework for the sharing of information for the preventing and detecting of crime and disorder. The Council has also signed up to the North Wales Information Sharing Protocol which provides that all partner agencies have a power to disclose information to statutory authorities in compliance with the agreed protocol.

7. Our Commitment and Values.

- 7.1. Anglesey Council's Housing Service is committed to being accessible, impartial and fair to all members of the community when addressing complaints of anti-social behaviour. It is our intention to deliver a comprehensive and first rate ASB service to our tenants, leaseholders and residents.
- 7.2. We will :
 - Take every complaint seriously.
 - Respond in a timely manner.
 - Respect the wishes of the complainant when deciding on what action to take, ensuring that they are treated sympathetically.
 - Agree an action plan with the complainant and ensure that they are updated of progress in a timely manner.
 - Support victims throughout the process. The support will be discussed and agreed with the victim and may involve referrals to other services should specialist support be required.

- Where victims (or in some cases perpetrators) are identified as being vulnerable, we will adopt a multi-agency approach to address the support needs of the individual.
- Investigate complaints impartially and in a non-judgemental way.
- Try to work with all parties to resolve any issues at the earliest opportunity using the range of tools available to us and partner agencies.

8. Definition of Anti-Social Behaviour

8.1. The term anti-social behaviour covers a broad spectrum of behaviours which can have an adverse effect on the quality of life of those affected.

8.2. For the purpose of this policy, the Council are adopting the definition of anti-social behaviour as defined in the Anti-Social Behaviour Crime and Policing Act 2014 which describes anti-social behaviour as:

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

8.3. Examples of the wide range of unacceptable activities that can have an adverse effect on the quality of life of victims and members of the community are (this list is not exhaustive) :

- Graffiti.
- Vandalism.
- Loud music.
- Noise nuisance.
- Fly-tipping.
- Pet nuisance (such as noise or fouling).
- Criminal behaviour including illegal or immoral use of residential premises.
- Threatening or violent behaviour or aggressive or threatening language.

- Hate crime (such as race and religious hate crime, homophobic and transphobic hate crime, disability hate crime, crimes against older people).
- Mate Crime (Where a vulnerable person is manipulated or abused by someone who they believed to be their friend – this may also, depending on the circumstances, be classed as a disability hate crime).
- Domestic abuse.
- Harassment or intimidation.
- Drug and alcohol related anti-social behaviour.

9. Anti-social Behaviour, Crime and Policing Act 2014.

- 9.1.** The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on the 20th October 2014 in England and Wales, setting out a new approach to dealing with anti-social behaviour, with an emphasis on putting the victims first, by empowering victims and communities by giving them a greater say in how agencies respond to complaints.
- 9.2.** The Anti-Social Behaviour, Crime and Policing Act 2014 has introduced simpler, more effective powers to enable officials to tackle anti-social behaviour by providing better protection for victims and communities.
- 9.3.** The primary aim of this legislation is to make the response to complaints more victim-centred and streamline the measures available to professional bodies - 19 measures previously available have been streamlined to 6 new powers. These are :
 - Civil Injunction
 - Criminal Behaviour Order
 - Community Protection Notice
 - Public Spaces Protection Order
 - Closure Power
 - Dispersal Power
- 9.4.** A breakdown of the tools referred to in s9.3, along with other remedies available to tackle ASB can be found in APPENDIX 1 of this document.

10. Partnership Approach to tackling ASB

10.1. Working in conjunction with appropriate partners and North Wales Police, we are dedicated to making the most of the powers available to us to combat anti-social behaviour and improve the quality of life for tenants and residents of our Council estates.

10.2. In addition to ad-hoc meetings called to address specific concerns as and when required, we also participate in a range of established multi-agency meetings where incidents are discussed and positive solutions are sought :

- Community Action Partnership meetings.
- MAPPA (Multi Agency Public Protection Arrangements)
- MARAC (Multi Agency Risk Assessment Conference)
- Anti-Social Behaviour Tasking meetings, Gwynedd and Môn.
- Prevention Panel meetings.
- VARM meetings (Vulnerable Adult Risk Management)
- IOM meetings (Integrated Offender Management)
- Gwynedd Môn Resettlement Advisory Panel meetings

11. Differentiating between anti-social behaviour and general estate management nuisance

11.1. Whilst we will take all complaints seriously and always strive to put victims first, we also recognise that not every complaint or neighbour dispute will involve acts of anti-social behaviour and that some incidents can sometimes simply be attributable to a lifestyle clash or differing personal expectations.

11.2. It is recognised that people have different values and opinions and different expectations of how they think others should behave, and that sometimes this can cause problems, which are often referred to as 'lifestyle clashes', which in turn can lead to complaints and allegations of anti-social behaviour.

11.3. We expect residents to show consideration for their neighbours and *within reason*, all parties are expected to show tolerance and to be respectful of differing lifestyles.

11.4. Whether we consider an activity to be of an anti-social nature will depend on a number of things including ;

- Whether the behaviour reported could be considered unreasonable in general terms.
- The vulnerability of the alleged victim or victims.
- The individual circumstances of all the parties involved.
- How frequently the activity it is happening.
- How severely it is affecting others.
- The time of day the activity is occurring.

11.5. Separately from the above, we will also consider whether the activity or behaviour is impacting on the Council's housing management function.

11.6. If after investigation, we feel that a complaint does not amount to anti-social behaviour we will notify the complainant of our decision and agree thereafter what actions (if any) are appropriate to take to resolve the problem.

12. Examples of what *might not* be considered ASB could include:

12.1. The following provides a guide as to what activities the Council may **not** consider to be ASB – this is not a blanket policy and **no** decision will be made until investigations have been carried out and the full facts have been established.

- Noise from children generated during normal play activities, unless the behaviour can be considered exceptionally disruptive.
- Everyday household noise such as opening and closing doors, movement within households (for example on stairs).
- Family disputes (unless they are excessive in noise or disruption to others and or there is a probability of abusive behaviour).
- One-off parties or celebrations.
- Lifestyle clashes such as activity related to shift work.
- Minor personal differences such as 'dirty looks' or falling-out between children.
- Disagreements about parking unless there are designated parking arrangements which are being abused (this does not include a perceived right to park in a particular place).
- DIY or other household or garden maintenance if undertaken during reasonable hours.
- Minor or one-off car repairs.
- Reports of historic incidents raised as retaliatory complaints.

13. Reporting anti-social behaviour.

13.1. We aim to make reporting anti-social behaviour as easy as possible for victims and complainants.

13.2. Complainants can report anti-social behaviour by any of the following methods ;

- E-mailing the concerns to ADRANTAI@anglesey.gov.uk
- Telephoning the Housing Service Customer Service Team on 01248 752200.
- Approaching one of our Housing Team who may be on the estate.
- Visiting the Council's main offices in Llangefni and speaking to one of our Cyswllt Môn officers, or by visiting the housing office based at the J E O'Toole Centre in Holyhead.
- Writing in to Housing Services, Council Offices, Isle of Anglesey County Council, Llangefni, Anglesey, LL77 7TW.
- Through a third party i.e. Local Councillor.

14. Responding to complaints of anti-social behaviour.

14.1. When a complaint is received, the Council will consider at the outset the severity of the complaint and what action is most appropriate. We believe that to be effective in our approach we need to strike a balance between preventative, enforcement and supportive measures.

14.2. We will work with a range of partners, making the best use of the powers available to us as well as using our own internal resources in the most effective way.

15. Role of the Housing Management Officer (HMO).

15.1. The Housing Service has a team of three HMO's and in the majority of cases, the HMO will deal with the initial complaint.

15.2. The remit of the HMO is to deal with low-level anti-social behaviour, nuisance behaviour and general tenancy breaches by using a variety of measures suited to the particular complaint, such as verbal warnings, warning letters, mediation, the issuing of Acceptable Behaviour Contracts and extending introductory tenancies. The majority of cases can be resolved with the HMO as the lead officer.

15.3. Once a complaint has been received it will be categorised into one of the Council's 4 ASB Categories. The table below provides a guide as to how

complaints may be categorised, however the lists are not exhaustive and each complaint will be considered on its own merit prior to deciding on the severity.

<p>Category 1</p> <p>Response within 24 hours</p>	<p>The most serious forms of ASB, resulting in actual or threatened violence.</p> <p>Assault Domestic Abuse Use of threatening behaviour or language Hate related crimes Mate crime Gang intimidation</p>
<p>Category 2</p> <p>Response within 5 working days</p>	<p>Behaviour aimed at intimidation and which may have been taking place over a period of time and may be classed as harassment.</p> <p>Verbal abuse Intimidating behaviour (can also include the use of pets) Drug or alcohol related activity Noise Damage to property or vehicles</p>
<p>Category 3</p> <p>Response within 7 working days</p>	<p>Behaviour which may be seen as anti-social but not intentional.</p> <p>Children / youths congregating in communal areas Inappropriate use of communal areas / door entry systems Noise Vehicle repairs Abandoned vehicles Untidy gardens Running a business from the dwelling</p>
<p>Category 4</p> <p>Response within 10 working days</p>	<p>May be considered to be a lifestyle-clash where people may be behaving in an inconsiderate manner but where there are no breaches of tenancy conditions.</p> <p>General household noise Children playing DIY Inconsiderate parking</p>

15.4. The HMO will discuss the complaint in detail with the complainant and agree an action plan which will include ;

- Recording and categorising the complaint.
- Discussing the possible options available to address the matter.
- Ascertaining the thoughts and feelings about how the complainant or victim would like the Council to deal with the complaint.
- Make the complainant aware of what is expected of them to support the Council to progress the complaint i.e. they may be required to keep a diary sheet detailing further incidents.
- Agree an adaptable action plan outlining the concerns and the agreed actions.
- With the consent of the complainant, make any referrals necessary to any relevant support provider, professional body or victim support.
- Agree how often the Council will contact the complainant and provide updates regarding the progress of the complaint, and agree the method of contact most appropriate for the victim.

16. Role of the Anti-Social Behaviour Officer (ASB Officer)

16.1. The Housing Service has a dedicated ASB Officer to address serious or persistent cases of anti-social behaviour involving Council tenants.

16.2. The remit of the ASB Officer is to take an enforcement role and use, when appropriate, the new powers granted under the Anti-Social Behaviour Crime and Policing Act 2014, where less formal remedies have failed to resolve an outstanding issue, or, where the complaint is considered too serious for low-level intervention and requires more formal enforcement action.

16.3. If a case is escalated to the ASB Officer, they will have access to the existing case notes.

16.4. The ASB Officer will visit the complainant (usually with the HMO) to discuss the escalation process and the additional powers available to address the matter, this may include, applying for an injunction, applying for a closure notice or in the most serious of cases applying for an outright possession order.

16.5. Where intervention by the ASB officer has resulted in an agreement (either formal or informal), the case will then be re-referred to the HMO who will monitor compliance with the agreement. If necessary, the case can be escalated for further action if the parties fail to comply with the agreement.

17. Anonymous complaints

17.1. Whilst we will accept anonymous complaints, this may restrict the amount of enquiries we can undertake and limit the actions available to us to address the complaint.

17.2. If there is sufficient information to allow the Council to progress the complaint, we will treat the complaint in the same manner as all other complaints reported.

18. Preventative Measures

18.1 There are a range of other measures available to the Council to mitigate the risk and or impact of anti-social behaviour.

- **Allocation Policy**

The Council may choose to exercise its powers under the Common Housing Allocation Policy to suspend applicants who have been found guilty of anti-social behaviour.

Each case would have to be investigated fully on its own merits and the *type* of behaviour would be a factor in determining whether it would be appropriate to suspend an applicant.

Suspensions usually last for up to 12 months with provision to review the situation after 6 months. Suspended applicants would have the right to appeal such a decision.

The Council has the power in exceptional circumstances to exclude individuals from the common housing register if they are or have been found to be guilty of participating in serious ASB.

NB the test to exclude an applicant from the housing register is extremely rigid; the behaviour would have to have been sufficiently serious for the landlord to have gained outright possession of a property should the case have been heard in a court of law (based on the applicant being a tenant of a local authority).

- **Tenancy Agreement.**

We expect our tenants to adhere to the terms and conditions of the tenancy agreement, which is a legally binding contract and outlines the Council's expectation of each tenant.

Tenants are responsible for their own behaviour, as well as the behaviour of other household members, all visitors and pets within the household.

- **Introductory Tenancies**

Since 1998 the Council has operated a probationary tenancy regime whereby all new tenants are awarded 'Introductory Tenancies'. All new tenants are visited at designated intervals (or more frequently if necessary) throughout the probationary period to monitor compliance with the tenancy agreement.

The Housing Management Officer will go through the tenancy agreement with all new tenants in great detail, outlining the expectations of the Council and ensuring that the tenant is fully aware of their tenancy obligations.

Introductory tenancies can be extended if tenants are not adhering to the terms and conditions.

- **Tenancy Support**

We aim to identify any support needs of new tenants prior to the commencement of the tenancy and we will strive to ensure that they are supported from the outset, either by the Council's in-house Housing Support Team, or, by way of floating support by one of our partner organisations (whether statutory and/or voluntary).

Housing Management Officers also play an invaluable role in monitoring the success of tenancies and work closely with support providers.

- **Environmental / estate improvement work.**

Wherever possible, when making improvements to our properties and estates, we will design-out crime, by having regard to lighting, improving and addressing security access to dwellings such as flats, eliminating congregation points etc.

19. Support, Rehabilitation and Resettlement

19.1. Welsh Government guidance states that social landlords' main aim should be 'to prevent or stop ASB whilst maximising opportunities for social inclusion'.

19.2. The Housing Strategy, Homelessness Strategy, Health Social Care and Wellbeing Strategy and the Supporting People Operational Plan continues to support the

development of flexible services and support frameworks, to maximise community based provision to address the support needs of vulnerable people with short term or low level support needs, to ensure that they are able to live as independently as possible within the community.

- 19.3.** Whilst supporting victims of ASB, we will also give consideration to the circumstances of the perpetrator, including whether or not they are vulnerable in their own right and have any underlying mental health, substance misuse problems or any other difficulties which may be contributing to the adverse behaviour.
- 19.4.** If such problems are identified we will seek to engage the services of partner agencies (statutory and voluntary) with a view to ensuring that they receive the appropriate assistance.

20. Protecting and supporting staff

- 20.1.** Housing Services takes the health and safety of all staff members and sub-contractors extremely seriously and will not tolerate verbal abuse, intimidation, or threats or acts of violence by tenants, their household members or their visitors towards staff or contractors who are undertaking their work.
- 20.2.** All Staff members are subject to the Council's Lone Working Policy and Procedures and each staff members will receive the relevant training in this field.
- 20.3.** If a tenant, household member or visitor to a Council property engages in ASB towards a staff member or sub-contractor, the Council reserves the right to issue a formal warning to the tenant(s), notify the Council's Corporate Health and Safety Team and place a warning marker against the property. The matter may also be referred to the Police for further investigation.
- 20.4.** Depending on the nature and severity of the incident, the Council may also decide to exercise the powers available to it under the Anti-Social Behaviour Crime and Policing Act 2014 and seek a legal remedy.

21. Training

- 21.1.** To deliver an effective ASB service we place high importance on ensuring that staff have sufficient training to be able to carry out their duties.
- 21.2.** Staff are aware of the importance of dealing with reported incidents quickly and of how to provide practical help and support to victims, whilst being sensitive to issues of diversity, sustainability and homelessness.
- 21.3.** All staff dealing with complaints of anti-social behaviour will have received training with respect to the powers available under the Anti-Social Behaviour, Crime and

Policing Act 2014 and have access to legal updates and case law in the area of ASB.

- 21.4.** Due to regular attendance at multi agency meetings where approaches to tackling ASB are discussed, staff have the opportunity to discuss and share examples of good practise which may be of benefit.

22. Dissatisfaction with the service provided

22.1. We will always try to do our best to provide a consistently high standard of service, however we accept that there may be occasions where we may fall short of this standard.

22.2. If things go wrong, we will aim to put them right and try to learn from our mistakes.

22.3. The Council's definition of a complaint is :

- An expression of dissatisfaction or concern;
- Made in writing or verbally or made by any other communication method;
- Made by one or more members of the public;
- About the Council's action or lack of action or;
- About the standard of service provided.

22.4. If a customer is dissatisfied with the service, Anglesey Council has a dedicated Concerns and Complaints Policy which is available online at :

<http://www.anglesey.gov.uk/empty-nav/compliments-or-complaints/>

22.5. The Policy is based on the Model Policy developed with the Public Services Ombudsman for Wales as a common complaints handling system for public service providers in Wales and sets out three stages for complaint resolution based on :

- **Stage 1** : informal resolution, with concerns resolved at the point of contact
- **Stage 2** : will involve complaints being investigated internally
- **Stage 3** : may involve referral of the complaint to the Public Service Ombudsman.

22.6. You can also ask to speak to the Customer Care Officer at The Legal Section, Council Offices, Llangefni, LL77 7TW or you may contact by e-mail at : complaints@ynysmon.gov.uk

23. Community Trigger

23.1. The Community Trigger was introduced as part of the Anti-Social Behaviour Crime and Policing Act 2014, and allows individuals, businesses or community groups (or third party representatives of victims (where consent has been provided), who have been complaining of ASB, to request a review of the way the case has been handled if they believe that no action has been taken in respect of their complaint.

23.2. The Community Trigger can be used in the following circumstances :

- The complainant has reported 3 separate episodes of anti-social behaviour to the Council, police, registered housing provider or local health board in the last 3 months.

And

- Each incident must have been reported within 1 month of the incident taking place, and must have been officially recorded.

And

- The application to use the Community Trigger must have been made within 6 months of the report of anti-social behaviour.

23.3. To request that the Community Trigger is activated, the complainant should contact the Council's Anti-Social Behaviour Officer at ADRANTAI@ynysmon.gov.uk for further information.

24. Reviewing and Monitoring the Policy.

24.1 It is the Council's intention to review this policy annually, with a view to ensuring that it remains fit for purpose, that we address any changes in legislation and regulatory powers, and that we are delivering the Policy aims.

25. Performance monitoring and frequency.

25.1 We will monitor our performance on ASB in the following ways ;

- Quarterly performance reports to the Housing Management Team detailing ;
 - Number of new ASB cases by type reported during the quarter.
 - Number of cases closed during the quarter.

- Breakdown of actions taken to address each complaint.
- Number of ASB customer satisfaction surveys returned & their responses.
- We will produce annual reports for the Housing Partnership Board.
- We will establish a tenant scrutiny panel which will convene at 6 monthly intervals to monitor performance in this service area against the above criteria.

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APPENDIX 1 ; Tools available to tackle ASB

There are currently a range of tools available to tackle ASB

The following table provides an outline of measures which are available and the circumstances in which they are likely to be used.

- **Non-legal remedies (usually applied by the Housing Management Officer).**

Tools	Used for
Verbal warnings.	Verbal warnings can be given for minor incidents, usually followed-up with a letter confirming that the verbal warning has been issued and retained on file.
Warning letters.	Formal warning letters will be issued to those who fail to take notice of the verbal warning and continue to breach the terms of their tenancy agreement.
Acceptable Behaviour Contracts (ABC's)	ABC's are voluntary contracts between the parties, setting out what behaviour is acceptable and what is not. These are not legally binding but parties are encouraged to sign them to show a commitment to refraining from inappropriate behaviour.
Mediation	Impartial mediation is a useful tool in cases where the ASB is low level and allows the parties involved to talk through their issues in a controlled environment. The aim of mediation is that parties resolve their issues in a manner which is acceptable to all parties.
Restorative Justice	This type of action would be led by the Police, with a view to bringing those affected by a crime face to face with the person or people responsible for committing the crime. Those responsible for the crime would be expected to face the consequences of their actions and make amends with the victim.
Community Resolution	Led by the Police and similar to the principles of restorative justice. Used to tackle 1 st time perpetrators where the ASB has been less serious. Perpetrator is encouraged to face up to the victim and the consequences of their actions and make up for the harm they have caused.
Use of Noise Monitoring equipment.	When noise nuisance is at the heart of the complaint, the Housing Service can engage with the Environmental Health Team and request that noise monitoring equipment is installed to capture the extent of the noise nuisance. Data collected is then analysed and can be used as evidence where more formal enforcement action is required. This will usually take the form of a noise abatement order in the first instance and potentially the service of Notice of seeking possession.
Family Intervention Projects (FIP)	Family intervention projects are a multi-agency approach designed to give intensive support to families with more than one problem, keeping children out of care and preventing antisocial behaviour.
Parenting Contracts	In connection with relevant agencies, the Council has the option of entering into a voluntary agreement with the parent or guardian of a child or young person who is engaging in anti-social behaviour. The purpose of

	<p>these contracts is to encourage the responsible adult to take responsibility for the behaviour of the child or children with a view to preventing further complaints.</p> <p>In signing the contract, the parent or guardian agrees to comply with certain requirements for a specified period of time.</p>
Use of Professional Witnesses	<p>In some cases, the Council may consider using the services of a professional witness to monitor locations where ASB is being reported. Such instances are rare and not always appropriate.</p>

- **Legal remedies (usually applied for by the Anti-Social Behaviour Officer).**

Tools :	Used For :
Demotion Order (for secure tenants)	Demotion orders may be sought by the Local Authority in cases where a tenant, resident or visitor has behaved or threatened to behave in a way which is capable of causing a nuisance and affects the housing management of the area. The Council would begin proceedings in the County Court for a demotion order that would end the secure tenancy and create a demoted tenancy and reduces a tenant's rights. If the tenant's behaviour does not improve then the Council is able to take action to seek possession of the property and evict the tenant.
Extending an Introductory Tenancy	Introductory tenants can have their 12 month 'trial period' extended for a further 6 months to allow them to demonstrate that they can modify their behaviour.
Service of Notice Of Seeking Possession (NOSP) and Notice of Possession Proceedings (NOPP)	Where tenants continue to breach the terms of their tenancy agreement and fail to adhere to warnings to modify their behaviour, the Council can serve a NOSP or NOPP (depending on the tenancy type) which will remain valid for 12 months. This is the first step in the Council taking possession proceedings.
Civil Injunctions	Civil injunctions are court orders made by the civil courts to either prevent certain behaviour and/or compel certain actions. A civil injunction can be sought against any person aged 10 years' and over, where there has been nuisance and annoyance in relation to a person's housing and in cases where there has been harassment, alarm and distress.
Criminal Behaviour Order	A criminal behaviour order is issued by a criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. The order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address any underlying causes of the behaviour.
Dispersal Order	Requires a person or persons committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours. The

	dispersal powers are utilised by the Police.
Community Protection Notice (CPN)	The community protection notice can be issued to an individual or a business to deal with a particular problem which is negatively affecting the community. The notice can be used to tackle a range of anti-social behaviour for example graffiti, littering, dog fouling.
Fixed Penalty Notices	Fixed penalty notices (FPNs) can be issued to deal with environmental offences like: littering, fly tipping, dog control offences, graffiti, abandoned vehicles.
Parenting Orders	A Parenting Order is an order under the Crime and Disorder Act 1998. The Parenting Order was designed primarily to help and support parents when their children get into trouble. A court may make an Order on a parent or Guardian of a juvenile who is convicted of an offence.
Public Space Protection Orders (PSPO's)	Public Space Protection Orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. Councils will be responsible for making the new PSPO.
Closure Notice	A closure notice provide for quick interventions over a limited period of time to stop or prevent premises being used for Anti-Social Behaviour or criminal activity. A closure notice can be used by the Police and/ or the Council to close premises for 24 hours or 48 hours. The issue of a closure notice must be accompanied by an application to Magistrates for a closure order.
Closure Order	A closure order is granted by Magistrates when the Court is satisfied that premises are being used or are likely to be used for behaviour that is disorderly, offensive or criminal. An Order can be used to restrict all access to the premises in question and effectively closes a property down. The order can last for 3 months and be extended up to 6 months.
Possession Proceedings	If, after all the other tools for tackling ASB have been used and the behaviour persists, as a last resort the Council can apply to the Court for a possession order. If the Order is granted, the Court will set a date for the tenant to vacate the premises.
Absolute Ground For Possession	Several changes have been made to the possession grounds contained in the Housing Acts 1985 and 1988. The biggest change brought about by the 2014 Act is in relation to the introduction of a new mandatory ground for possession where there has been serious ASB. The Acts set out a number of conditions which if proven (and subject to any human rights proportionality defence that the tenant may raise) will lead to the making of an outright possession order.

DRAFT

Equality Impact Assessment (EIA)
Part A – Initial Equality Impact Assessment

Start Date:

Completion Date:

PART A - Step 1: Preparation

1.	What are you assessing?	The Anti-Social Behaviour Policy, which is being recommended for approval by the Executive Committee on 28 th November 2016.
2.	Is this a new or existing policy?	This is a revision of an existing policy following a change in legislation, following the implementation of the Anti-Social Behaviour, Crime and Policing Act 2014 on the 20 th of October 2014.
3.	What are the aims and purpose of this policy?	To ensure that there is a policy in place which : <ul style="list-style-type: none"> ▪ Conforms with legislative requirements. ▪ Clearly explains the Housing Services' approach to addressing complaints of anti-social behaviour. ▪ Supports partnership working with relevant agencies to ensure that the best solution is found and implemented as swiftly as possible. ▪ Provides customers with information regarding the various measures available to the Housing Service as a social landlord to address anti-social behaviour. ▪ Outlines the roles and responsibilities of officers dealing with anti-social behaviour.
4.	Who is responsible for the policy/work you are assessing?	Head of Service, Housing Services, Isle of Anglesey County.
5.	Who is the Lead Officer for this EIA?	Head of Service, Housing Services.

6.	Who else is involved in undertaking this EIA?	Rachel Smith, Anti-Social Behavior Officer
7.	Is the policy related to other policies/areas of work?	<p>Yes.</p> <ul style="list-style-type: none"> ▪ The Council's strategic housing function. ▪ The Council's Common Housing Allocation Policy (effective since 4th July 2016). ▪ The Housing Services' tenancy agreement(s), as Council tenants are expected to adhere to the terms and conditions in relation to acceptable behaviour.
8.	Who are the key stakeholders?	<ul style="list-style-type: none"> ▪ Council Tenants. ▪ Residents living on Council estates ▪ Visitors to Council estates. ▪ Applicants on the common housing register. ▪ Council employees and sub-contractors. ▪ Local Members and Town Councillors. ▪ Community Safety Team ▪ North Wales Police and other statutory and non-statutory partners.

9 - Is the policy relevant to how the Authority complies with the public sector general duty relating to people who are protected due to age; disability; gender; gender reassignment; pregnancy and maternity; race, ethnicity or nationality; religion or belief and sexual orientation?	Yes	No
The elimination of discrimination and harassment	✓	
The advancement of equality of opportunity	✓	
The fostering of good relations	✓	
The protection and promotion of human rights	✓	

PART A - Step 2: Information Gathering

<p>10 - Does this policy / area of work ensure equality for the Welsh and English languages in accordance with the Council's Language Scheme?</p>	<p>Yes.</p> <p>The policy requires compliance with the Council's Welsh Language Policy and the Welsh Language Standards 2016</p>
<p>11 - Is there an opportunity through this policy / area of work to offer more opportunities for people to learn and / or use the Welsh language on a day-to-day basis?</p>	<p>Yes.</p> <p>The policy requires the housing allocation function and related services/information to be available in Welsh.</p>
<p>12 - What potential contribution does this policy / area of work make towards ensuring that the Island's historical and contemporary culture flourishes and prospers?</p>	<p>Not relevant to this policy.</p>
<p>13 - Are there any Human Rights issues? If so, what are they?</p> <p>(The 16 basic rights in the Human Rights Act are listed at Appendix 1).</p>	<p>Potentially.</p> <p>Customers may take the view that certain types of enforcement action may interfere with their Human Rights as they may be required to refrain from certain types of behaviours (Article 8).</p> <p>Officers administering the policy will have to ensure that the actions taken in response to complaints are delivered in a non-discriminatory way, so as not to breach Article 14 of the Human Rights Act 1988.</p>
<p>14 - What has been done to date in terms of involvement and consultation with regard to this policy?</p>	<ul style="list-style-type: none"> ▪ A tenant focus group was established to work with officers in creating the policy. ▪ The draft Policy has been taken to the Môn Officer Tenant Voice Panel (MoTV) as part of customer consultation for comment and approval. ▪ The Policy was sent to the Gwynedd Môn Delivery Manager for Community Safety for comment and approval.

15 - Are there any gaps in the information collected to date? If so, how will these be addressed?	No.
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PART A - Step 3: Considering the potential impact

*For each protected characteristic, please detail in the column on the right in the table below:

- (1) Any reports, statistics, websites, links etc that are relevant to your document / proposal and have been used to inform your assessment, and/or
- (2) Any information gathered during engagement with service users or staff; and/or
- (3) Any other information that has informed your assessment of potential impact

**For determining potential impact, please choose from the following:

High negative; Medium negative; Low negative; Neutral; Low positive; Medium positive; High positive; No impact/Not applicable

Protected group	**Potential Impact	*Details
Age	Neutral	<p>Not based on data.</p> <p>Tenants of all ages are expected to adhere to the terms and conditions of the Tenancy Agreement and not to behave in a way which causes difficulties nor interferes with other residents' right to quiet enjoyment for other residents, visitors or officials.</p>
Disability	Low positive	<p>Section 19.3 7 19.4 of the policy references the fact that when responding to complaints we will have regard to the circumstances of the perpetrator as well as the victim and will consider whether or not they are vulnerable in their own right.</p> <p>If the anti-social behaviour was perpetrated by someone as a result of their vulnerability because of a disability they may have, we will seek to engage the services of relevant partner agencies to ensure that they too are supported.</p>
Gender	Neutral	<p>Tenants regardless of gender are expected to adhere to the terms and conditions of the Tenancy Agreement and not to behave in a way which causes difficulties nor interferes with other residents' right to quiet enjoyment for other</p>

Protected group	**Potential Impact	*Details
		residents, visitors or officials.
Gender Reassignment	Neutral	Tenants regardless of gender are expected to adhere to the terms and conditions of the Tenancy Agreement and not to behave in a way which causes difficulties nor interferes with other residents' right to quiet enjoyment for other residents, visitors or officials.
Pregnancy & Maternity	Neutral	Tenants regardless of pregnancy / maternity are expected to adhere to the terms and conditions of the Tenancy Agreement and not to behave in a way which causes difficulties nor interferes with other residents' right to quiet enjoyment for other residents, visitors or officials.
Race / Ethnicity / Nationality	Neutral	Tenants regardless of Race / Ethnicity and Nationality are expected to adhere to the terms and conditions of the Tenancy Agreement and not to behave in a way which causes difficulties nor interferes with other residents' right to quiet enjoyment for other residents, visitors or officials.
Religion or Belief	Neutral	Tenants regardless of religion or beliefs are expected to adhere to the terms and conditions of the Tenancy Agreement and not to behave in a way which causes difficulties nor interferes with other residents' right to quiet enjoyment for other residents, visitors or officials.
Sexual Orientation	Neutral	Tenants regardless of sexual orientation are expected to adhere to the terms and conditions of the Tenancy Agreement and not to behave in a way which causes difficulties nor interferes with other residents' right to quiet enjoyment for other residents, visitors or officials.
Welsh language	Neutral	Not applicable.
Human Rights	Neutral	All tenants are expected to adhere to the terms and conditions of the Tenancy

Protected group	**Potential Impact	*Details
		<p>Agreement and not to behave in a way which causes difficulties nor interferes with other residents' right to quiet enjoyment for other residents, visitors or officials.</p> <p>Where enforcement action must be taken to safeguard the interest of victims, all action will be considered and proportionate in relation to the complaint, however some enforcement action may prompt challenges under Article 8.</p>

Part A – Step 4: Outcome of Initial EIA

Is the outcome of the Initial assessment to proceed to full Equality Impact Assessment?	No
	Record Reasons for Decision: There is no indication that implementing the proposed policy will have any significant (medium or high) adverse impact on any of the statutory protected groups.
If no, are there any issues to be addressed?	No
	Record Details: The policy has been written to fair and equitable to all. Persons wishing to reside in Council accommodation are subject to the same terms and conditions and by signing the tenancy agreement, which is a legally binding contract, have agreed to abide to these terms.

If you have decided that **a full Equality Impact Assessment is required**, please proceed to **Part B**.

If your decision is **not to proceed to a Full Equality Impact Assessment**, please delete Part B from this template and proceed to **Part C - Outcome Report**.

Equality Impact Assessment (EIA) – OUTCOME

PART C – Step 1: Outcome Report

Organisation:	Isle of Anglesey County Council
What is being assessed: (copy from Part A – step 1)	The Anti-Social Behaviour Policy, which is being recommended for approval by the Executive Committee on 28 th November 2016.
Brief Aims and Objectives: (copy from Part A – step 1)	<p>To ensure that there is a policy in place which:</p> <ul style="list-style-type: none"> ▪ Conforms with legislative requirements. ▪ Clearly explains the Housing Services’ approach to addressing complaints of anti-social behaviour. ▪ Supports partnership working with relevant agencies to ensure that the best solution is found and implemented as swiftly as possible. ▪ Provides customers with information regarding the various measures available to the Housing Service as a social landlord to address anti-social behaviour. <p>Outlines the roles and responsibilities of officers dealing with anti-social behaviour</p>
Did the Initial assessment proceed to full Equality Impact Assessment? (PART A – Step 4)	<p>No</p> <p>Record reasons for decision There is no indication that implementing the proposed policy will have any significant (medium or high) adverse impact on any of the statutory protected groups.</p>
If no, are there any issues to be addressed?	<p>There is no indication that implementing the proposed policy will have any significant (medium or high) adverse impact on any of the statutory protected groups.</p> <p>It is considered that the policy is lawful, necessary and proportionate.</p>

If yes, what was the outcome of the full EIA?	N/A

Will the Policy be adopted / forwarded for approval? Who will be the decision-maker?	Yes The Council's Executive Committee.
	If no, please record the reason and any further action required: N/A

Are monitoring arrangements in place? What are they?	Yes We will monitor our performance on ASB in the following ways; <ul style="list-style-type: none"> ▪ Quarterly performance reports to the Housing Management Team. ▪ We will produce annual reports for the Housing Partnership Board. ▪ We will establish a tenant scrutiny panel which will convene at 6 monthly intervals to monitor performance in this service area against the above criteria.
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Who is the Lead Officer?	Name:	Shan L Williams
	Title:	Head of Service
	Department:	Housing Services
Review date of policy and EIA:	<p>It is the Council's intention to review this policy annually, with a view to ensuring that it remains fit for purpose, that we address any changes in legislation and regulatory powers, and that we are delivering against the policy aims.</p> <p>The review date will be set 12 months from implementation date following adoption by the Executive Committee.</p>	

Names of all parties involved in undertaking this assessment	Name	Title
	Karen Roberts	Principal Housing Officer
	Rachel Smith	Anti-Social Behaviour Officer.
Please Note: An Action Plan should be attached to this Outcome Report prior to completion		

PART C - Step 2: Action Plan

Please detail any actions that are planned following completion of your EIA. You should include any changes that have been made to reduce or eliminate the effects of potential or actual negative impact, as well as any arrangements to collect data or to carry out further research.

Ref	Proposed actions	Lead officer	Timescale
01	Monitor compliance of new policy at monthly intervals during staff supervision.	Principal Housing Officer	Monthly from implementation date.
02	Collate statistical data concerning complaints and actions taken in accordance with Housemark benchmarking criteria.	Principal Housing Officer	Monthly from implementation date.
03	Establish Tenant Scrutiny Panel as part of monitoring performance and policy compliance.	Principal Housing Officer	December 2016 (1 st meeting)

Appendix 1 – Human Rights

Human rights are rights and freedoms that belong to all individuals, regardless of their nationality and citizenship. There are 16 basic rights in the Human Rights Act – all taken from the European Convention on Human Rights. For the purposes of the Act, they are known as ‘the Convention Rights’. They are listed below:

(Article 1 is introductory and is not incorporated into the Human Rights Act)

Article 2: The right to life

Article 3: Prohibition of torture

Article 4: Prohibition of slavery and forced labour

Article 5: Right to liberty and security

Article 6: Right to a fair trial

Article 7: No punishment without law

Article 8: Right to respect for private and family life

Article 9: Freedom of thought, conscience and religion

Article 10: Freedom of expression

Article 11: Freedom of assembly and association

Article 12: Right to marry

Article 14: Prohibition of discrimination

Article 1 of Protocol 1: Protection of property

Article 2 of Protocol 1: Right to education

Article 3 of Protocol 1: Right to free elections

Article 1 of Protocol 13: Abolition of the death penalty

