

Leicester
City Council

WARDS AFFECTED: ALL

**HOUSING AND COMMUNITY SAFETY SCRUTINY
CABINET**

**7th December 2006
15th January 2007**

Anti Social Behaviour Policy

Report of the Director of Adult and Community Services

1. Purpose of Report

The purpose of this report is to present a draft corporate policy on anti social behaviour (referred to as ASB). This report will focus on why a corporate policy is needed and what purpose it can serve in the context of delivering services and providing an effective way of tackling anti social behaviour.

2. Summary

- 2.1 In order to help deliver the government's promise to tackle anti social behaviour, most local authorities have written policies which set out how they propose to use the powers given to them in the Anti Social Behaviour Act 2003 and the Crime and Disorder Act 1998.
- 2.2 The purposes of having these policies is as much about setting out the local authority's intentions to the public as they are about framing service delivery for practitioners. As such, policies have to be available for the public to view to give them a clear idea of what kind of service they can expect if they experience ASB. This policy information is needed in an accessible format for all services and members of the public.
- 2.3 The policy will also serve to give direction to the practitioners involved in tackling ASB so that a common approach can be taken by council services. As such, a statement about the council's broad principles and measured response to ASB precedes the inclusion of the council's existing policies and procedures in the appendix of the document. This statement sets out our common values, which are:
- A clear commitment to prevention,
 - Prioritise support for victims,
 - Take a graduated response to anti social behaviour,
 - Multi agency engagement in solving problems,
 - A commitment to taking legal sanctions when necessary,
 - Finally, a commitment to carrying out our policies with regards anti social behaviour in line with other council priorities.

3. Recommendations

- 3.1 Cabinet is recommended to endorse the statement of common values set out at 2.3 in this covering report, and to endorse the policy as set out in the attached report and appendices.

4. Financial & Legal Implications

- 4.1 *Financial Implications*
See 4.1, below

Financial info author and date

- 4.2 *Legal Implications*
See 5.1

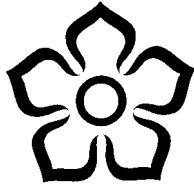
Legal info author and date

5. Report Author

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DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)



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Supporting information

Report

1. Background

- 1.1 The Crime and Disorder Act 1998 placed a duty on all local authorities to address problems of minor nuisance and anti social behaviour (ASB). This has meant that past procedures held by various departments within the council, and procedures that already deal with ASB as nuisance or minor criminal behaviour, have been brought together under the corporate priority of tackling anti social behaviour (ASB) within a single policy document.
- 1.2 At Leicester City Council, we have individual department procedures for tackling anti social behaviour already in place. This report puts in place one overall corporate policy. This policy governs how all the Council's departments, some of whom have conflicting objectives, can interact to achieve a common goal.

2. Why have a corporate policy now?

- 2.1 Most authorities have a corporate policy in place, whether it is a variation on their existing housing procedures for handling nuisance behaviour between tenants or a written-for-purpose document. The former option presents problems in an authority where Social Services and Youth Offending Services are also part of the unitary authority, as these services sometimes seem to have conflicting aims, examples of this are when Social Services are working with a vulnerable family but demands on Housing are calling for eviction of the family for ASB.
- 2.2 However, these aims can be aligned. This corporate policy sets out the pre Anti Social Behaviour Order (ASBO) consultation, which will allow for the process of full consultation with all relevant parties prior to an ASBO being sought. Contentious issues such as the way we address anti social behaviour and our broad principles are set out.

- 2.3 It is also important from the public's point of view to have an easily accessible policy document. Although issues involving children and vulnerable adults are the ones that cause most concern when addressing ASB, the majority of ASB issues are ones that effect the general environment. The public needs to be aware of how to report such incidents and what action they can expect to be taken. Whilst this information is available, the policy will put it all in a single accessible document and within the context of how anti social behaviour is generally tackled in Leicester. This document can be available in hard copy from libraries and Council buildings, and in electronic form off the internet.
- 2.4 The provision of a policy will also demonstrate corporate leadership and direction on the issue of ASB.

3. Contents of the policy

- 3.1 The policy reiterates many of the council's established procedures. The policy is not intended to replace those procedures that are already in place, but restate the existing processes for accessing services for tackling ASB within a framework for the city. In the first section, there is a set of common values given by way of introducing the policies the council works with and placing them in the context of our principles. This part of the document comments on common values in which the framework of all the policies will be set. These are, as stated in the document;
- A clear commitment to prevention,
 - Prioritise support for victims,
 - Take a graduated response to anti social behaviour,
 - Multi agency engagement in solving problems,
 - A commitment to taking legal sanctions when necessary,
 - Finally, a commitment to carrying out our policies with regards anti social behaviour in line with other council priorities.
- 3.2 Overall, the policy seeks to create a sense of tackling ASB within the context of enforcement, prevention and rehabilitation and ensuring a joined up approach as standard practice. This is in line with what the council already has in place through projects such as Leicester Anti Social Behaviour Unit for enforcement and New Start Families project for rehabilitation.

4 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

Financial Implications

- 4.1 "Much of the work to tackle anti social behaviour has been mainstreamed by the council."

Financial info author and date - Paresh Radia 13/07/06

5 Legal Implications

- 5.1 "I can confirm that there are no additional legal implications."

Legal info author and date - Peter Nicholls X6302 13/07/2006

6. Other Implications

6.1

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	No	
Policy	YES	Local Community Safety strategy 2005 - 08 Children and Young Peoples Plan Housing statement of policy and procedure's for Anti Social Behaviour. National Crime and Disorder Act 1998 Anti Social Behaviour Act 2003 Cleaner Environment Act 2005
Sustainable and Environmental	YES	
Crime and Disorder	YES	Anti social behaviour is a major concern for the public and a priority within the Community Safety Strategy.
Human Rights Act	YES	All work on Anti Social Behaviour needs to be mindful of the Human rights background against which it operates.
Older People on Low Income	NO	

6.2 Risk Assessment Matrix

	Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (If necessary/or appropriate)
1	Disproportionate use of Anti Social Behaviour Orders and other measures against vulnerable members of the community.	L	H	Pre ASBO consultation must endeavour to find solutions to ASB committed by vulnerable adults and children that avoid using an ASBO, Possessions or other such measures for these individuals unless the behaviour cannot be addressed through other means.
2	Failing to take action on anti social behaviour can result in increasing degradation of communities and further exacerbate life style issues in groups that are already vulnerable.	M	H	The City Council will continue to take appropriate enforcement action against perpetrators to swiftly punish and deter them where the community/individuals are in significant risk. The Leicester Anti Social Behaviour Unit is active in doing this and making full use of enforcement measures. The policy to be presented makes explicitly clear that the vulnerability of victims will be taken into account when prioritising cases. An option to take enforcement action as a matter of urgency, circumventing all previous stages in the process, is available if public protection demands it.
3	Individuals subject to persistent nuisance behaviour - even of a low level variety - can be severely affected by it. Conditions, which can be aggravated by anti social behaviour, include mental health problems. (A note of caution has to	L	M	The definition of ASB that the council works to is still in line with the broad guidelines set out by the Home-office. These guidelines as to the definition of ASB were deliberately left vague in order to accommodate subjective views of individual

	<p>be given that ASB may only be an aggravating factor in a victims mental illness and not a causal factor - professional advice should always be sought before attributing a condition to any particular action/experience).</p>			<p>victims as to what constitutes intimidating behaviour for them.</p> <p>Case conferencing on ASB issues will also take account of the impact the offender is having on the victim in deciding on the appropriate sanction. Again, as has been said above and in the policy, if there are issues of public protection then enforcement action can be prioritised. It should also be remembered that the rationale behind having the case conferences is for the benefit of the victims.</p>
4	<p>At its worst, failure to take action on ASB could result in a general feeling of disenchantment within the community and apathy towards the city's environment and well being from its citizens, as they themselves see other people not respecting their surroundings and neighbours.</p>	L	H	<p>The City Council needs to keep in mind that the majority of ASB, for all the talk of individuals and groups of teenagers, is actually of a common disregard for the local environment. Environmental Crime Teams and City Cleansing Services need to be supported in the work they do.</p> <p>Additionally, work with the Fire Service and the Police Service, as well as other partners in the Safer Leicester Partnership can serve to raise awareness and restore pride in communities.</p>
5	<p>Generations within families going from anti social to criminal behaviour if there are never any consequences for their actions.</p>	L	H	<p>Leicester has projects such as New Start Family project and the Supporting Tenants and Residents service in order to help reduce re - offending by ASB perpetrators. Such programs will be required in all local authorities under the</p>

				Respect agenda. The presence of one in Leicester means we have a head start but should keep on building on this and fully integrate the Youth Offending Services into the process when it comes to young people with an ASBO.
6	An increasing ASBO usage leads to high numbers unable to re-integrate in to the community.	L	H	The Youth Offending Service operates Intensive Supervision Orders for young people with an ASBO. Parental support orders are available to help families. However, specialist programs like the New Start Families Project and resources to YOS may need to expand in the future.

L - Low
M -Medium
H - High

L - Low
M-
Medium
H - High

7. Background Papers

- Leicester City Council Housing departments statement of procedures for anti social behaviour.
- Leicester Anti Social Behaviour Unit policies and procedures.
- Environmental crime teams prosecution policy and procedures.
- Anti Social Behaviour Policy.

8. Consultations

Consulted	Date Consulted
Anti social behaviour Project Group (for corporate policy)	23rd March 2006
LCC Social Services/Children and Young People (Corporate Policy)	24th May 2006
Alistair Reid, Pat Hobbs, Mary Campagnac, Martin Clewlow, Steve Bond, Steve Joyce, Daxa Pancholi, Deborah Forbes (Corporate policy).	15th August, 10th October
Housing Management Board	4th January