



Leicester
City Council

Anti Social Behaviour Policies

A statement for tackling Anti Social Behaviour and its causes in the City of Leicester

Links to major policies

- **Local:**

Community Safety Strategy 2005 – 08
Housing Strategy
Children and Young peoples strategy

1. Introduction

1.1 This document brings together all the councils policies and procedures for tackling anti social behaviour (ASB). It is not the intention, in this introductory section, to introduce new procedures, but to set out broad principles the Council holds in tackling ASB and the method by which they are achieved.

2. Principles

2.1 The councils principles with regards ASB, are as follows:

- Leicester City Council will take all measures to prevent Anti Social Behaviour in Leicester. This not only includes appropriate education and diversion of people away from acting in an anti social manner, but also in fostering a culture of respect through community initiatives and providing an environment in which communities can be proud.
- Where Anti Social Behaviour does occur, Leicester City Council will take all appropriate measures to look after victims and witnesses to ensure their wellbeing and protection.
- There will be a graduated response to Anti Social Behaviour. This will include a series of steps designed to alter an individuals offending

behaviour and provide whatever is needed in order to help those changes occur. Legal recourses are a last resort.

- The council will work with other agencies in dealing with ASB in order to more appropriately identify and engage with agencies whose expertise about individuals or areas will be helpful in preventing the offending behaviour.
- Whilst Legal sanctions will be a last resort, Leicester City Council is committed to taking them in order to protect the people of Leicester. This process can also be fast tracked in serious cases to prevent further harm to the victims.
- To carry out the above with due regard to our other commitments to the welfare of children and young people in Every Child Matters and to stay aligned with the aims of Community Cohesion.

3. Definitions

3.1 Guidance has been issued from the Home Office pertaining to which activities are anti social. They may be one or more of the following list:

- Noise Nuisance
- Fly tipping
- Harassment
- Racial Harassment
- Disorder arising from alcohol abuse
- Dealing in illegal drugs
- Intimidation
- Kerb-crawling
- Domestic violence and abuse
- Nuisance vehicles
- Corporate Nuisance
- Verbal Abuse
- Dangerous animals
- Damage to property
- Joyriding

4. Preventing Anti Social Behaviour

4.1 In order to prevent ASB, there has to be a focus on educating people about taking care of their local environment and respecting other peoples right to live their life in peace. This is a very broad statement. In practice it means maintaining local environments and community contact in order to foster such attitudes so that they develop.

- 4.2 There is also a commitment to ensure that individuals engaged in Anti Social Behaviour are worked with in a constructive fashion in order to try to prevent repetition of the behaviour for which they were originally brought to the attention of the authorities. For more on this, see the multi agency section, below.

5. Victims

- 5.1 Leicester City Council is committed to doing everything it can to lessen the effects of ASB to those on the receiving end of it.
- 5.2 As there are issues of possible witness vulnerability, owing to the highly localised nature of ASB, witnesses will be supported and they can give their evidence as hearsay evidence.

6. Graduated response

- 6.1 Leicester City Council have a graduated process for tackling ASB which culminates in necessary Legal action if the issues can not be resolved by other means. The approach will be centred on the idea that it is preferable to prevent the behaviour and reintegrate individuals back in to society, where appropriate and possible, than take costly legal action.
- 6.2 A number of neighbour disputes involving things such as overgrown gardens/ high hedges and neighbour noise may result in confrontation, owing to the close proximity within which people live. Amicable settlement and mediation is the preferred means of action if these problems persist. Mediation may also be appropriate for a range of other disputes.
- 6.3 An effective way of handling ASB, particularly with young people, is in signing an Acceptable Behaviour Agreement. This is an informal measure, which makes the perpetrator aware of what they are doing that they need to change and the possible consequences if they don't.
- 6.4 However, if there is an issue where by ASB is so serious as to constitute serious harm to the people being victimised, then there is the recourse to fast track through to legal proceedings in order to protect the public.

7. Multi Agency Interventions and deciding what to do in individual cases/Case conferencing

- 7.1 A multi-agency forum for looking at named individuals who persistently offend will include relevant practitioners who have prior knowledge of the individuals being discussed. They need to be in a position to offer

services vital to improving the behaviour - such as Education, Social Services, Youth Services and partners from the statutory and voluntary sectors - in response to these issues and have knowledge of any additional vulnerabilities pertinent to the individual. The forums will be called if action is being sought against a named perpetrator - particularly if vulnerable, regardless of age - to discuss the following:

- Whether agencies are already involved with the individuals/families.
- If there were no prior agency involvement, whether or not the intervention of any agency would be more appropriate than the enforcement route.
- How action can be re-focused, if it has failed.
- How can multi-agency action focus post enforcement action to rehabilitate and prevent re-offending.

8. Legal Sanctions

- 8.1 If it is deemed necessary, the council will pursue Anti Social Behaviour Orders (ASBO's) and other measures set out in the Crime and Disorder Act 1998 and the Anti Social Behaviour Act 2003. ASBO's can be binding on individuals for a period assigned by the court and prohibit them from being in a certain place, acting a certain way or meeting with certain individuals. They can carry custodial sentences if breached.
- 8.2 Injunctions can also be pursued as well as termination of a tenancy, but this is a last resort. However, as mentioned above, the procedure for taking an ASBO or Injunction can be fast tracked if public protection demands it.
- 8.3 For more on enforcement options, see the appendix documents on policies and procedures, attached.

9. Procedures followed by the council

- 9.1 For further information see the attached documents for details of the procedures followed when complaints of any particular kind of anti social behaviour are reported to the relevant council agencies. These documents are attached in the appendix to this document.

Leicester Anti Social Behaviour Unit

LASBU and Partner Agencies will provide a comprehensive service in tackling ASB to protect individuals and the community in general. This will include action against alleged perpetrators, up to and including Legal Action when deemed necessary by LASBU.

1. What is the Leicester Anti Social Behaviour Unit?

1.1 The Leicester Anti Social Behaviour Unit is an agency dedicated to tackling anti social behaviour.

We aim to do this on a referral basis by: -

- Providing support, information and advice to complainants and witnesses of anti social behaviour
- Working with the Police, Landlords, Community Groups, Tenants & Residents Associations, Environmental Services, Youth Services and other partners to ensure anti social behaviour is dealt with swiftly and effectively
- Taking firm action against perpetrators of severe and persistent anti social behaviour. We believe that by working together, we can reduce anti social behaviour and make our communities a safer and more enjoyable place to live, work and socialise.

1.2 What is Anti Social Behaviour?

1.2.1 Anti Social Behaviour can mean different things to different people. In the Crime and Disorder Act 1998, ASB is defined as “Behaviour that causes or is likely to cause harassment, alarm or distress to persons not of the same household”.

The Housing Act 1996 defines ASB as behaviour that: -

- Is capable of causing nuisance or annoyance to any person
- Directly or indirectly relates to or affects the Housing Management functions of a relevant Landlord
- Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant Landlord for an unlawful purpose

2. Terms of Reference/Broad Outline

2.1 Social Landlords, will continue to use good estate management techniques to tackle ASB and will pass on cases of persistent and serious ASB that they have been unable to resolve through their own policies and procedures, cases that require legal action and those where actual or threats of violence have been made.

2.2 Referrals to LASBU to include: -

- All serious cases of Anti Social Behaviour; e.g. violence or threats of violence, damage or threat of damage to property or dwelling, harassment, intimidation, Racial Harassment, Homophobic & Transphobic Hate Crime, serious criminal activity/behaviour, (drugs, burglary, violence) and other serious breaches of the tenancy agreement.
- Evidence that the Social Landlords own Policy and Procedure in relation to Anti Social Behaviour had been followed. All records of interviews, warning letters etc to be presented with the file.
- Evidence that a support package is in place for the witnesses; e.g. Witness Cocoon.
- Evidence that the Landlord has considered and where necessary requested that a full security package be installed at the complainants address, however LASBU will undertake that work if it is deemed necessary.
- Attacks on Local Authority Staff will be pursued by LASBU, however all relevant paperwork must be completed by the relevant department as soon as practicable, this includes SO2's and referrals to the Risk Management Section.
- LASBU are available to take on emergency referrals when there have been acts of violence perpetrated against individuals. In these cases, we would not expect all of the required preparatory work to be completed.
- Referrals and enquires from MP's and Councillors.
- Where appropriate referrals from Owner / Occupiers and those Citizens who reside in the Private Rented Sector.
- Referrals and enquiries from Leicestershire Constabulary.

2.3 Referral Process: -

- Referrals must be authorised by the relevant referral Manager or Team Leader **after** consultation with the LASBU Manager, Senior ASB Investigator or in their absence a LASBU Investigator.
- In very serious cases requiring immediate action, we will accept referrals from Junior Officers.
- The LASBU referral form must be completed in respect of each referral.
- All relevant paperwork relating to the case should be presented with the referral, including: -

Signed Tenancy Agreement

Details of all Occupants, e.g. Name, D.O.B., ethnicity, disability, religion etc

Details of rent Account, to include status of tenancy, court orders

Details of interviews with both alleged perpetrators and complainant

Diary Sheets

Contact details for all parties involved in case

Police information, if appropriate

Copies of Warning letters

Health and Safety Issues i.e. Red Flag

Details of medical / mental health difficulties surrounding the case

- We will investigate cases, which could possibly result in an ASBO, however we would expect that an Acceptable Behaviour Agreement (ABA) has been entered into but there has been a subsequent breach(s).
- We are prepared to offer help and advice to any person within the City of Leicester that has an ASB related problem that needs resolution.
- LASBU reserve the right to “Self Refer” cases of serious ASB

2.4 LASBU will:

- Investigate, collate and progress the case to a satisfactory conclusions.
- “Problem Solve”, looking at the vulnerabilities of both the alleged perpetrator and complainant. Case Conferences will called by LASBU if deemed necessary.

- Arrange any pre ASBO consultation, inviting all relevant / interested parties. LASBU acknowledge that this consultation does not mean that an application for an ASBO is mandatory.
- Give due consideration to applying for ISO's and Parenting Orders at the Pre ASBO consultation. Any decision made will be open to change should the behaviour deem it necessary.
- LASBU will, where necessary, obtain and share information with the Police, in line with the Crime & Disorder Act 1998.
- Support Witnesses, this includes: -
 - Risk Assessment for Witnesses
 - Security Packages
 - Referral to relevant partner agency
 - Taxi to Court
 - Post Court support
 - Supply refreshments to the Witness, these costs will be met by the Area Housing Office
- Interview, where necessary, the alleged perpetrator.
- Refer both complainant and alleged perpetrator to any relevant support agency.
- Prepare any legal documentation required to progress the case to Legal Services / Court, this includes the NOPP, Notice of Demotion, statements etc.
- All legal documentation will be served by a Service Processor; this will be arranged by LASBU.
- Represent the Landlord at Court.
- Advise any relevant partner agency and or witnesses of the outcome of any Court Case and arrange the service of Court Orders to all interested parties.
- Monitor any Order granted by the Courts, this monitoring will be carried out in conjunction with the relevant Landlord or Complainant and the JAG (Joint Action Groups) meetings.

3. Case Closure

- 3.1 LASBU will make the decision to close an Investigation with the referring Manager.

Once a case is closed, all parties, including the complainant, witnesses and alleged perpetrator will be advised in writing. A full reason for closure will be given with the reassurance that should the ASB resume or a breach of an Order occur, LASBU will give due consideration to re-opening the case.

All ASB files will remain the property of LASBU.

3.2 Eviction

Should LASBU obtain Possession of a property at Court, it will be the responsibility of the Area Housing Office to arrange for the raising of the Warrant and the logistics around the Eviction date.

3.3 Introductory Tenants

LASBU will not take Possession action against Introductory Tenants, however should Injunctive action be required before Possession action is taken then LASBU will undertake that work.

3.4 Tenancy Management

The responsibility of managing the Tenancy of the Perpetrator and the Complainant remains the responsibility of the Landlord. In respect of any rent arrears action, once a case has been referred to LASBU all rent arrears action must be discussed with the Investigating Officer of LASBU.

3.5 Tolerated / Non Secure Tenants

If the Landlord is giving due consideration to pursuing a tenancy through to eviction for the breach of a Court Order and they can evidence associated ASB emanating from that Tenancy, LASBU will, if requested, take over management of the case and prepare and present a file of evidence to the Courts, including a Hopkins Letter.

3.6 Partner Agencies

The following is a list of our Partner Agencies, this list is not exhaustive and will be open to change: -

- Housing Management
- Tenants Associations
- Supported Housing Projects
- Social Care & Health
- Registered Social Landlords
- Environmental Health/Crime
- Education and Lifelong Learning
- CCTV section
- Maintenance Depots

- Home Office
- Together
- CDRP
- Leicestershire Fire Service
- Leicestershire Constabulary
- MAPPOM
- Probation
- Prison Service
- YOS, YIP, YISP
- Domestic Violence Projects
- Racial Harassment Projects
- Women's Aid Leicestershire
- Witness Cocoon
- Witness Support
- New Start for Families
- BLISS / STAR / DAT

APPENDIX B

Environmental Crime Team - Prosecution Policy and Procedure

1. Introduction

- 1.1 The prosecution of offenders in the courts by an enforcing authority is, in many respects, the ultimate *raison d'être* of that authority. However, the taking of a case to court can also be seen by some as a failure of an educative policy or use of 'friendly' persuasion. It is also a time consuming and expensive process, particularly when it goes wrong, i.e. an alleged offender is acquitted.
- 1.2 The purpose of this document is twofold. Firstly, it aims to lay down procedures and / or give guidance in relation to the taking of prosecution cases to minimise the chances of a case being lost for the wrong reasons such as non-compliance with legal procedures. This is of greater importance than ever in the light of the Police and Criminal Evidence Act 1984 (PACE) and the Criminal Procedure and Investigations Act 1996 which lay down specific procedures that are open to scrutiny by a defence. Secondly, this document aims to give guidance as to the matters to be considered when an officer or their manager has evidence of an offence and is deciding if it is a matter that should be taken to court or dealt with in some other way. Again, it is important that there is an element of corporate consistency to this policy to ensure that there can be no accusations of bias or unfair treatment to any part of the community.

2. Procedures - Police and Criminal Evidence Act 1984 (PACE)

- 2.1 The requirements imposed on enforcement officers under PACE have been the subject of considerable amounts of work within the department. It is not proposed to repeat these in detail in this document. It is also appropriate to remind managers of the need to assess the level of staff competence in this subject with a view to considering the need for any training of new staff or refresher training for existing staff.

3. Procedures - Criminal Procedure and Investigations Act 1996

- 3.1 This Act came into force in April 1997. It deals with the requirements for a prosecution to make relevant material available to the defence to ensure that a defence is fully aware of all relevant information. It should be regarded as an important element in ensuring that the judicial system operates in total fairness. This document and the attached appendices should be considered as the current departmental guidance on steps to be followed by enforcement officers and their managers.

4. To Prosecute or not to Prosecute?

- 4.1 Taking an alleged offender before the courts to be (hopefully) convicted and punished serves a number of purposes. Firstly, it actually punishes the person concerned for their transgression. Secondly, it can act as a means of ensuring compliance with legal standards. Thirdly, through publicity, it can act as a deterrent to other potential offenders who will realise that they may not necessarily get away with the same offence. Fourthly, it can assist some other action such as a civil damages claim by an employee injured at work and, finally, successful prosecutions maintain the public's confidence in the regulatory authority. Set against these there is the fact that being prosecuted can severely damage an individual's or company's reputation. In addition, some would argue that imposing a fine, particularly on a business, would be counter-productive because the business concerned will then have less money available to pay for remedial works. As indicated above, the resource implications in terms of both enforcement and legal officer time have to be considered.
- 4.2 Before dealing with those factors, which should be considered when deciding whether or not to prosecute, it is worth looking at the alternatives. In this regard, the issuing of a formal caution is not seen as either an alternative to prosecution or a step in the prosecution procedure. Rather, it is a form of prosecution that is dealt with without penalty and without taking the matter to court. To issue a formal caution, the burden of proof and standard of evidence must both be as high as could be taken to court. In addition, if an offender is offered a formal caution but declines then, in general, the matter should be taken to court.
- 4.3 The actual alternatives to prosecution are either to do nothing or to deal with the matter informally. An informal caution can be either written or verbal and could be expected to take one of many forms depending on the circumstances of the case and the views of the officer concerned. It is not proposed to elaborate on these alternatives in any detail in this document. However, it must be noted that an informal caution or warning of any kind has no legal status. It cannot be relied on or used in any subsequent court proceedings (a possible exception to this would be in refuting a defence case that an offence was not 'knowingly' committed although this would only occur in rare circumstances).
- 4.4 There will be a great number of variables in any offence and it is not considered possible within the scope of this document to define all possible variations of circumstances. Rather, it is the intention of this document to identify these variables and to give advice as to those that should go to court and those that indicate the other way.

5. Procedure

- 5.1. When an officer has completed an investigation and believes that they have sufficient evidence to secure a conviction, he or she should prepare a brief written report to the Head of Service. This report should identify the offender, specify the offences involved and summarise the evidence available. The report should also consider the case with reference to the indicators in the table below. The report may include the officer's own recommendations for further action.
- 5.2 This report is submitted to the Head of Service, as they have delegated authority to refer cases for prosecution. A written report is submitted to ensure consistency and transparency in the decision making process. Whilst this report is not, in itself, evidence in the case, it could be open to scrutiny in the event of any accusations of unfair treatment or inconsistency in policy.
- 5.3 The Head of Service will consider the report and endorse it in writing with the action to be taken. This will then be processed by the officer.
- 5.4 Where a case is to be referred for prosecution, the case officer will prepare a file for submission to legal services. This will comprise the following: -
 - A covering memo formally requesting the initiation of legal proceedings. This is to be signed by the Head of Service
 - A case summary providing particulars of; the offender(s) – name, address, DoB, the offences

The table below lists a number of indicators of whether or not an offence should be taken to court. They are described variously as positive i.e. a strong presumption that this is a matter that should go to court, neutral i.e. a matter where more weight should be given to other indicators and negative i.e. an indication that the matter should not go to court. Examples of some situations or types of offence are given in italics.

Matter to be considered	Positive Indicator	Neutral Indicator	Negative Indicator
Wilfulness of Offence	Offence is committed deliberately and in the full knowledge that a crime is being committed <i>Deliberate forgery of branded goods</i>	Offence is committed through omission or negligence of a duty but the duty is clearly known <i>Failure to display statutory notices</i>	Offence is committed in genuine ignorance
Repetition of Offence	Offender has a history of recurrent offending and previous convictions / formal cautions	Reasonable suspicion that there may be a history of offences but no submit able evidence of this and no previous convictions <i>Unsubstantiated allegations from members of the public</i>	No indication of any history of previous offence
Further Offences	High probability that further offences will be committed		Further offences are unlikely
Effect on Victim	Victim has suffered permanent harm or loss, particularly if of a serious nature <i>Death or disablement in workplace accident. Also, deliberate evasion of licence fees.</i>	There is a definable victim but their loss or harm is relatively minor and not permanent <i>Smoke nuisance not causing any permanent harm or damage</i>	No victim <i>Failure to notify of building works which are otherwise satisfactory</i>
Number of victims	The offence affects a large number or group of people <i>Emission or spillage of serious pollutant affecting a wide area</i>	There is only one or a small number of victims <i>Nuisance caused to only one neighbour</i>	No victim

Public Interest	Taking a case to court would be in the interests of the whole or a substantial portion of the community <i>Food premises responsible for a serious food poisoning outbreak</i>	Only a small public interest would be served by taking a case to court <i>Noisy neighbour</i>	There would be no public interest served by taking a case <i>'Technical' H & S offence, e.g. failing to display information signs.</i>
Effectiveness of Alternatives	Informal action is unlikely to prevent repetition or have a desired salutary effect on the offender.		A warning is likely to make further offences unlikely.

**LEICESTER CITY COUNCIL
HOUSING DEPARTMENT**

**Statement of Anti-
Social Behaviour
Policy and
Procedures**

December 2004

1. Introduction

- 1.1 Anti-Social Behaviour has been described as behaviour that causes or is likely to cause harassment, alarm, or distress to people. Anti-Social Behaviour can include anything from noise nuisance to racial harassment, from litter dropping to drug dealing, and it can have a devastating impact on individuals, families, and communities. Anti-Social Behaviour has the power to damage neighbourhoods, holding back regeneration in deprived communities, and can increase the fear of crime, destroying the very notion of community cohesion.
- 1.2 Given the nature and impact of anti-social behaviour (ASB), the Leicester City Council Housing Department has developed robust policy and procedures to ensure that an appropriate and proportionate response is taken to all complaints of ASB. In addition, we will ensure information and letters are accessible in other languages and interpreters provided where required.
- 1.3 The Department's original ASB Policy and Procedures was implemented several years ago. The Policy has proven useful in addressing problems of ASB within council housing areas. The policy and procedures are now being updated to incorporate new legislation, guidance, and best practice.
- 1.4 As required by the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003, Section 12), from December 30th 2004 this Statement of ASB Policies and Procedures will be made available to any member of the public for inspection when requested within a reasonable amount of time. A charge covering the cost of producing the document will be made if a member of the public wishes to have a copy of the Statement. In addition, from December 30th 2004, a short summary of this Statement is available free of charge to any member of the public should they request it.
- 1.5 This Statement and the Summary are available in the following languages:
 - Urdu
 - Gujarati
 - Punjabi
 - Bengali
 - Somali
 - Kurdish
 - Farsi
 - English

2. The Strategic Context

- 2.1 This document fulfils the Council's obligation as a social landlord to publish its policy and procedures for dealing with anti-social behaviour. The legal provision requiring this publication is contained in the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 (Section 12).
- 2.2 The ASB Policy and Procedures sits within a wider framework of crime and disorder related legislation, policies and procedures. The ASB Policy and Procedures help the Housing Department to play its role in fulfilling the Leicester City Council's obligations under the Crime and Disorder Act 1998 to work in partnership with other local agencies to tackle crime and disorder.
- 2.3 The ASB Policy and Procedures complies with wider corporate aims and strategies. These include the Community Cohesion Strategy, and the Corporate Plan, the aim of which is 'Making Leicester more attractive for our diverse communities to live, work and invest in'.

3. Partnership Working

- 3.1 The Housing Department's ASB Policy and Procedures also tie in with the strategies and work of partners both within the Council and external to it.
- 3.2 The Housing Department is the lead agency for anti-social behaviour under the current strategy of the Leicester Partnership Against Crime & Disorder. Our obligations under the LPACD strategy include improving the monitoring of ASB, and improving partnership working to tackle it.
- 3.3 We operate a number of protocols with partner agencies to enhance and improve our approach to tackling anti-social behaviour.
- 3.4 We have a number of local area partnerships where individual housing offices work with community groups to address Crime and Disorder issues. We will also take part in any other partnerships or working groups that help to reduce ASB, for example Housing Officers will attend Social Care and Health Conferences.

4. What is Anti-Social Behaviour?

4.1 Definitions of Anti-Social Behaviour

Anti-Social Behaviour can mean different things to different people. In the Crime and Disorder Act 1998, Anti-Social Behaviour is defined as 'Behaviour that causes or is likely to cause harassment, alarm or distress to persons not of the same household'.

The Housing Act 1996 defines Anti-Social Behaviour as behaviour that:

- Is capable of causing nuisance or annoyance to any person; and
- Directly or indirectly relates to or affects the Housing Management functions of a relevant Landlord; or
- Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant Landlord for an unlawful purpose.

The Housing Department adopts both these definitions – the first because of its general definition of ASB, and the second because of its definition of ASB in relation of the Housing Department’s function as a Landlord.

Both of these definitions cover criminal as well as non-criminal activities/behaviour, and it is important to note that the Housing Department does not distinguish between the two – i.e. we will take action against anti-social behaviour if it affects our tenants or functions as a landlord, regardless of whether it is criminal or non-criminal.

4.2 Types of Anti-Social Behaviour

As stated above, ASB can mean different things to different people, and the experience of anti-social behaviour can often be a very subjective one. When talking about types of ASB, it is only possible to give common examples.

The following list includes some of the more commonly cited types of ASB, but is not exhaustive:

- Noise nuisance (music, alarms, pets, DIY, fireworks etc)
- Intimidation and Harassment
- Aggressive and threatening language and behaviour
- Actual violence against people and property
- Hate behaviour that targets members of identified groups because of their perceived differences (racial or religious harassment, homophobia, disability)
- Drug use or dealing
- Boundary disputes
- Vehicle nuisance (car repairs, parking disputes, abandoned vehicles, etc)
- Using the property for unlawful purposes (selling drugs or stolen property, prostitution etc)
- Poor pet management, including aggressive pets, and dog fouling
- Rubbish dumping/fly tipping, littering, graffiti and vandalism
- Domestic Violence

4.3 Racial and Other Harassment

All forms of harassment including racial harassment fall under the definition of ASB. However due to the nature of racial and other forms of

harassment the housing department operates a separate set of policies and procedures to ensure they are dealt with appropriately.

Cabinet has defined Harassment/Racial Harassment as *'Personalised, deliberate, unwanted acts of violence (verbal or physical) or other behaviour which is designed to cause harmful damage to people or property which is suffered by people or groups of people because of their race, ethnic or national origin, gender (including domestic violence) sexuality, HIV status, religion, beliefs, disability, age or family circumstances'*.

The definition of a racist incident adopted by the council is that from the Stephen Lawrence Enquiry report, April 2000, which states that a racist incident is "any incident which is perceived to be racist by the victim or any other person".

The Leicester City Council encourages people to report any experiences of harassment and racial harassment. All complaints of Harassment/Racial Harassment are dealt with as perception led. However, a full and thorough investigation is always required before determining the most appropriate course of action.

4.4 Domestic Violence

Again, although Domestic Violence sometimes falls under the definition of ASB, due to the nature of Domestic Violence the Housing Department operates a separate policy and procedure.

Domestic Violence can be defined as *'Any incident of violence, aggression, or abuse whether that be physical, sexual, emotional or psychological abuse of an individual by a family member, partner, ex-partner in an existing or previous domestic relationship regardless of gender or sexual orientation'*.

The general principals that apply to our handling of domestic violence are that we always respond sympathetically to the victim, and take their allegations seriously. We will make it our priority to ensure the safety of the victim.

5. Overview of our approach to Anti-Social Behaviour

- 5.1 The approach we take to dealing with ASB is incremental, and encompasses all steps from prevention through to rehabilitation. Our services are focused on stopping the anti-social behaviour whilst protecting and supporting its victims and witnesses. Some of the services we offer to prevent and tackle ASB are delivered in partnership with other departments within the council (Education & Lifelong Learning, Social Care & Health, Racial Harassment Project etc) and various external agencies (Leicestershire Constabulary, Leicester Fire & Rescue Service, Witness Cocoon etc).

5.2 The 'incremental approach' already mentioned includes doing the following:

- Record every complaint
- We initially assess and investigate every complaint to establish the nature and severity
- We seek further information
- We refer the complainant or case elsewhere if appropriate
- We open a case and carry out a full investigation, when appropriate
- We use non-legal interventions such as warnings, Acceptable Behaviour contracts etc to ensure swift resolutions to problems
- We take legal action.

As each incident of ASB is unique, the way each complaint is handled is also unique. Whilst the first few steps taken in dealing with a complaint are the same (i.e. they are all recorded, and each one undergoes an initial assessment), the subsequent actions vary depending upon the nature and severity of each incident. A more detailed description of the way complaints are handled is available in part two of this document – ASB Procedures.

6. Preventing ASB

6.1 The Housing Department works in partnership with other agencies to help prevent ASB. We have a number of initiatives in place that both seek to prevent ASB, and to facilitate early intervention once ASB becomes apparent.

Examples of the types of initiatives implemented include:

- 'Target Hardening' schemes
- Improving security, including better lighting, door entry systems, and CCTV
- Provision of Support and Information
- Use of Introductory Tenancies
- Provision of pre-tenancy advice
- Signposting alleged perpetrators to appropriate support agencies

We endeavour to keep our estates and other housing areas in a good condition so that they are less likely to invite further anti-social behaviour. We will sticker abandoned vehicles as soon as we become aware of their presence, and have them removed to reduce the chances of arson.

Where appropriate, we offer support to vulnerable individuals through partner agencies like the STAR service (Supporting Tenants And Residents) and New Start Families Project. We believe supporting

vulnerable individuals is one of the best ways to prevent them becoming either victim to or perpetrators of anti-social behaviour.

6.2 Obligations of Tenants

Tenants of Leicester City Council are obligated to behave in a manner that does not cause harassment, alarm, or distress to their neighbours and the wider community. The obligations of our tenants in relation to acceptable and unacceptable forms of behaviour are clearly outlined in 'Conditions of Tenancy for Council Tenants'.

The specific clauses relating to anti-social behaviour are:

- No. 36 – abuse of City Council employees
- No. 37 – nuisance
- No. 38 – harassment/Anti-Social Behaviour
- No. 39 – graffiti
- No. 40 – fly tipping
- No. 41 – criminal activity
- No. 42 and 43 – Bye-laws
- No. 44 – parking of vehicles
- No. 45 – vehicle repairs and businesses
- No. 46 – Health and Safety Issues

These clauses can be found on pages 16 – 21 in the 'Conditions of Tenancy' booklet, which is available in a number of languages and formats.

6.3 Tenants' Family and Visitors

It is important to tenants to note that they are responsible for the behaviour of any person living at the property or any visitor to their home. If the member of the household or visitor breaches any of the clauses, it would be considered a breach of the tenancy agreement on the part of the tenant, and the Leicester City Council will take appropriate action against the tenant.

6.4 Supporting Victims and Witnesses

The Leicester City Council Housing Department supports the victims and witnesses of anti-social behaviour in a number of ways. It is our belief that we are more successful at tackling anti-social behaviour when we have the full cooperation and confidence of victims and witnesses.

We will begin our support of victims and witnesses by taking all complaints of anti-social behaviour seriously, and by keeping complainants informed throughout the process of handling their complaint. A complainant can be a witness, a victim, or a third party. We will treat all complaints confidentially and will protect the identity of the

complainant. Reports of ASB can be made directly to the local Housing Office, even if the complainant has reported the incident to other agencies, e.g. Police, Environmental Health.

We will provide further support to complainants if required. The form this support takes will vary depending upon the nature and severity of the case.

Examples of the types of further support we would provide to victims and witnesses includes:

- Referral to specialist support agencies like Leicester Witness Cocoon or Victim Support
- Target hardening (i.e. making the property safer)
- Issuing racial harassment alarms

6.5 Professional Witnesses

Professional Witness Schemes are used where victims/witness of ASB are either unavailable or too afraid to come forward. The Housing Department will sometimes let properties to the Police to mount surveillance operations. We will use our own members of staff if appropriate to act as witnesses in cases of ASB and we may use a Professional Witness Scheme if the case is such that it requires it. Any use of professional witnesses is subject to the approval of Directorate.

6.6 Covert Surveillance Equipment

As with Professional Witnesses, Covert Surveillance Equipment may be used in cases where victims/witnesses are either unavailable or too afraid to come forward. Using Covert Surveillance Equipment usually involves installing small cameras discreetly in the home of the victim or witness, and therefore requires the cooperation of the complainant to be successfully implemented.

6.7 Dealing with Perpetrators

The Leicester City Council Housing Department will not tolerate anti-social behaviour caused by or against our tenants, and will take appropriate action against the alleged perpetrators of such acts.

‘Appropriate action’ can include a range of legal and non-legal resolutions to stop the person from engaging in further ASB. The incremental approach taken by the Housing Department means that non-legal intervention will be used before resorting to legal action. Examples of the types of interventions/actions used are listed below. In order to maintain our firm line against perpetrators of anti-social behaviour, we will when appropriate refuse to re-house perpetrators.

7. Rehabilitation of Perpetrators

- 7.1 Whilst we do not tolerate anti-social behaviour and will take firm action against the perpetrators, we recognise that some perpetrators may themselves be suffering from problems that contribute to their ASB. As such, we believe that appropriately supporting perpetrators will significantly reduce the chances that they will re-offend.
- 7.2 We support and rehabilitate perpetrators by facilitating help from appropriate specialist agencies. This is done throughout the process of handling the case, when perpetrators will be offered, where appropriate, referrals to partners like the Substance Misuse Team, STAR or New Start Families Project. Support is also offered at the resolution stage of the case, again by referring them to appropriate support agencies.

8. Resolving Cases of Anti-Social Behaviour

The Housing Department will use all available tools, both legal and non-legal, and will work with partner agencies to ensure a swift and effective resolution to cases of anti-social behaviour.

8.1 Non-legal Resolutions

The types of non-legal resolutions we may use to stop an individual behaviour anti-socially include:

- Warning Letters
- Acceptable Behaviour Contracts
- Mediation (if all parties agree to it)
- Parental Control Agreements
- Community/Neighbourhood Agreements

8.2 Legal Resolutions

The legal resolutions used by the Housing Department are taken from various pieces of legislation including (but not limited to) the Housing Act 1996, the Local Government Act 1972, the Crime and Disorder Act 1998, the Anti-Social Behaviour Act 2003.

- Anti-Social Behaviour Orders
- Injunctions
- Exclusion Orders
- Demotion of Tenancy
- Possession of Property

9. Leicester City Council Introductory and Secure Tenancies

- 9.1 Since 2001 Leicester City Council has operated an Introductory Tenancy regime. This is a type of 12 month probationary tenancy that

becomes automatically secure after this time, provided the tenant has behaved in a responsible manner.

9.2 Where an Introductory Tenant breaches tenancy conditions such as anti-social behaviour we may serve a Notice of Termination and apply to the Court for possession of the property. Possession is mandatory.

9.3 Where a Secure Tenant breaches tenancy conditions such as anti-social behaviour we may serve a Notice of Possession Proceedings and apply to the Court for possession of the property. Possession is discretionary.

9.4 Leicester Anti-Social Behaviour Unit

For the more persistent and severe cases of ASB, we will work with the Leicester Anti-Social Behaviour Unit (LASBU). LASBU has Investigators that specialise in tackling severe and persistent forms of anti-social behaviour, who will manage the case and progress the case through to resolution.

The Housing Department will continue to work closely with the LASBU Investigator throughout the process of the case. If the case requires legal action, the LASBU Investigator will represent the Housing Department at court.

9.5 LASBU works across tenure, i.e. investigates serious cases referred from Leicester City Council, Housing Associations, private rented sector and owner occupiers.

10. Data Protection and Information Exchange

10.1 The City Council has a Data Protection Policy in place to help protect data relating to individuals. The Housing Department complies with the Council's Data Protection policy and practices.

10.2 The Data Protection Act and the Crime and Disorder Act give provision for the local authority to share information with appropriate agencies if it is for the purposes of preventing or detecting crime and disorder. The Housing Department exchanges information with appropriate agencies for these purposes. We will exchange data with the police to assist them and us to carry out investigations regarding crime and disorder.

10.3 We will also exchange information with other partners as and when appropriate. All exchanges of information will be governed by clearly laid out protocols, which will fully comply with Data Protection and related legislation.

10.4 Confidentiality

All complaints of ASB will be treated with the strictest confidence. We will endeavour to protect the confidentiality of victims and witnesses throughout and beyond the handling of the complaint.

PART TWO

ANTI-SOCIAL **BEHAVIOUR** **PROCEDURES**

Complaints of Anti-Social Behaviour (ASB) should be made to the complainant's local Housing Office in person, in writing or by telephone.

It may sometimes be appropriate for the complaint to have also been made to the Police, for example drug dealing, street drinking, or to the Regeneration and Culture Department, for example excessive noise nuisance from audio equipment.

When the Housing Office receives a complaint of anti-social behaviour the following procedure will be applied:

Stage 1: Complaint Received

On receiving the complaint, it will be logged on the computer system. This will generate the following action:

- A First Contact form will be completed
- A Housing Office diary entry will be made and the case assigned to a specific officer
- An acknowledgement letter containing an appointment to discuss the ASB will be generated and sent to the complainant

Stage 2: History Checks

The complainant and alleged perpetrator's tenant files will be checked for previous reports.

Stage 3: Interview Complainant

The complainant will be interviewed and the following action will be generated:

- An Action Plan will be discussed and agreed
- Diary sheets to record further incidents will be issued
- A complainant Witness Statement will be completed
- Details of other witnesses will be recorded
- Request for information from the Police may be made where the complainant has provided crime/incident numbers (optional)
- Referral to relevant support agency will be made if necessary (optional)

Stage 4: Decision

The Housing Office will investigate the ASB allegation and take the following action:

- Close the case if there insufficient evidence
- Send a closure letter to the complainant
- Move to Stage 5 if evidence supports the ASB allegation

Stage 5: Interview Witnesses

The Housing Office will:

- Generate an appointment letter and send to witnesses
- Interview the witnesses
- Issue diary sheets to record future incidents
- Complete Witness Statements
- Request for information from the Police may be made where the complainant has provided crime/incident numbers (optional)
- Referral to relevant support agency will be made if necessary (optional)

Stage 6: Interview Alleged Perpetrator(s)

The Housing Office will:

- Generate an appointment letter and send to the alleged perpetrator(s)
- Interview the alleged perpetrator(s)
- Complete an interview form
- Referral to relevant support agency will be made if necessary if an alleged perpetrator is vulnerable

Stage 7: Decision

The Housing Office will take the following action:

- Close the case if there insufficient evidence or no further complaints
- Send a closure letter to the complainant and alleged perpetrator

If evidence supports the ASB allegation, the following action will be taken:

- Issue a First Warning letter to alleged perpetrator for low level first instance breach of tenancy conditions
- Send a notification of action letter to complainant
- The Housing Office will monitor the case
- Set up an Acceptable Behaviour Contract (optional)
- Issue a Second Warning letter for a second breach of tenancy conditions
- Monitor the case
- Refer the case, including all evidence and Witness Statements, to LASBU on a third breach of tenancy conditions
- Alternatively, where the level of ASB is serious, referral to LASBU may be made at the first or second breach of tenancy conditions

Stage 8: Referral to LASBU

LASBU will undertake its own investigation and take the following action where necessary:

- Contact complainant and witnesses to make an appointment to discuss the ASB
- Interview complainant and witnesses
- Agree an Action Plan
- Contact alleged perpetrator to make an appointment to discuss the ASB (optional)
- Interview the alleged perpetrator (optional)
- Review the Action Plan within a reasonable time frame (agreed on a case-by-case basis)
- Make a decision on the case
- Close the case if there is insufficient evidence or no further complaints
- Determine an appropriate course of action if evidence supports ASB,
 - e.g. Acceptable Behaviour Contract
 - Injunction
 - Anti-Social Behaviour Order
 - Notice of Possession Proceedings
 - Refer the case back to the Housing Office on closure

Stage 9: Outcome

Once the outcome of the case is complete, the Housing Office will:

- Write to the complainant, closing the case fully
- Include a comment that the case may be reopened if there are further incidents within a reasonable time, e.g. within three months of closure or breach of an ASBO or injunction.

Stage 10: Complaint re: Service

If the complainant or alleged perpetrator is unhappy with the service received throughout the investigation they may:

- Discuss this with the local Housing Office
- Refer to Leicester City Council's corporate complaints procedure. This is a staged process that ultimately may be heard by the Local Government Ombudsman

Stage 11: Monitoring ASB and the Service

ASB is monitored in different ways:

- Through the Leicestershire Crime & Disorder Partnership (see page 3 of this report)
- Through quarterly audits of Housing Offices which involves a follow up telephone questionnaire on a random sample of ASB complainants and measuring the quality of service provided
- LASBU undertake monthly case update monitoring

Support Agencies Telephone Numbers

Leicester Racial Equality Council	(0116)	299 9800
Racial Harassment Project	(0116)	252 6755
Witness Cocoon	(0116)	223 6210
STAR Tenancy Support	(0116)	299 5615
Leicester Domestic Violence Helpline	(0116)	224 0091
Women's Aid	(0116)	285 8079
Lesbian, Gay and Bi-Sexual Helpline	(0116)	254 7421
Asylum Seeker & Refugee Unit	(0116)	252 8742



Leicester City Parks Officers join the Police “Extended Family”

- **On October 2005, thirteen Parks Officers working for the Leicester City Council joined the “extended police family”.**
- **They went through a rigorous vetting and training process to join the Leicestershire Constabulary Community Safety Accreditation Scheme under the Police Reform Act 2002 and are known as Accredited Persons (AP’s).**
- **As a result they have the following powers to exercise whilst on duty:**
 - ✓ Power to issue fixed penalty notices and require name and address for:
Litter, Dog Fouling, Graffiti, Fly posting, Unauthorised Cycling (Including power to stop for offence of riding on footway)
 - ✓ Power to request the name and address of an individual acting in an anti social manner.
 - ✓ Power to seize and dispose of alcohol /tobacco from children
 - ✓ Power to seize and dispose of alcohol within the area of a Designated Public Place Order.
- **The intention is for the Police and Accredited Persons to work closer and smarter together, sharing intelligence and information through established Police contact points, conducting joint and complementary activity to resolve some of the problems in our city parks, green spaces, and their vicinity.**
- **All APs will be wearing a badge as below and should produce a photo ID card issued by the Police when exercising their new powers.**



- **APs are not police officers but have volunteered to take on extra responsibilities. In recognition of this, they have been awarded the same legal protection as PCSOs. It is an offence under section 46 Police Reform Act 2002 to impersonate, or assault /obstruct an Accredited Person acting in the execution of their duty.**
- **Similar schemes across the country have shown excellent results in providing added reassurance reducing not only the fear of crime but crime, disorder and antisocial behaviour itself.**

ASB Report form

- | | |
|--|---|
| G = Graffiti
F = Fly tipping
B = Burnt out/Abandoned cars
D = Drug related
H = Horses
T = Theft
U = Assault | A = Alcohol
S = Dog Fouling
PA = Physical Abuse
VA = Verbal Abuse
V = Vandalism
O = Other – Please Specify |
|--|---|

Date	Time	Location
Code	Comment	
Detail		
		Tot Lab Hrs

Date	Time	Location
Code	Comment	
Detail		
		Tot Lab Hrs

Date	Time	Location
Code	Comment	
Detail		
		Tot Lab Hrs

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		Tot Lab Hrs

Date	Time	Location
Code	Comment	
Detail		
		Tot Lab Hrs

Date	Time	Location
Code	Comment	
Detail		
		Tot Lab Hrs

The role of the Youth Offending service

The Youth Offending Service performs an important function in fulfilling the councils statutory duties on tackling Anti Social Behaviour in a fully rounded and responsible manner. A breach of an ASBO is a criminal offence and, as such, young people are prosecuted through the youth court, where they may be sentenced to a range of community sentences - many of which are supervised by the Youth Offending Service. In some cases, enforcement can lead to the imposition of a Detention and Training Order, which is half served in custody and half on licence to the YOS. The YOS has a range of programs to deploy including the Surveillance Program and a Resettlement and Aftercare program designed to reduce the risk of a repetition of ASB.

Any orders made in court against a young person for breaching an ASBO have to be managed by the Youth Offending Service, who will also be crucial at the court stage in providing reports and making recommendations to the judges about the appropriate course of action to take in relation to the young offender.

One way in which YOS contribute to the councils efforts against Anti Social Behaviour is in how they fit in with the attempts to re-integrate offenders back in to communities. The Individual Support Order (ISO) is managed by YOS and - to be effective with a young perpetrator - should be imposed to run alongside an ASBO to prevent breaches. ASBOs are supposed to keep young people out of prison. Therefore, the ISO is important. It can run for up to six months and involves twice weekly contact from YOS. It serves as an invaluable tool in ensuring a young person does not breach and, potentially, end up in jail.

When a court makes an ASBO on someone under 18 years they have a duty to consider making an Individual Support Order requiring them to be supervised for a period of up to 6 months. These orders can be operated by either the YOS or the key worker in Children and Young Peoples Services. Such orders are funded through the Youth Justice Board via a retrospective claim once the order is complete. Prior to the making of an ISO the court will request an ISO report, normally from the Youth Offending Service, on the merit or otherwise of making such an order as well as other ancillary orders such as a Parenting Order.