

Leicester
City Council

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CABINET

11th MARCH 2002

REVIEW OF ANTI-SOCIAL BEHAVIOUR AND HARASSMENT POLICY

Report of the Director of Housing

1. Summary and Recommendations

- 1.1 On 8th May 2001, Cabinet agreed a comprehensive review of the Council's Anti-Social Behaviour and Harassment Policy be undertaken to ensure that the aims and objectives of the Leicester Partnership Against Crime & Disorder and the recommendations the Stephen Lawrence Enquiry were adopted to tackle acts of Anti-social Behaviour and racial harassment.
- 1.2 This report sets out the proposals to enhance the current Anti Social Behaviour and Harassment Policy.
- 1.3 Therefore it is recommended to:
- a) Agree to the introduction of a Citywide Anti-Social Behaviour Team including a legal officer
 - b) To adopt the usage of Acceptable Behaviour Contracts (ABCs)
 - c) To adopt a comprehensive mechanism for recording cases of Anti-Social Behaviour including categories to reflect major/minor breaches, Domestic Violence from Racial Harassment.

2. Financial Implications

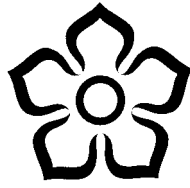
- 2.1 It is estimated that the resources required to fund a citywide team could be found from existing resources, by reducing the number of Housing Officers by 4 posts, as the level of work in dealing with Anti-Social Behaviour cases would reduce, if the complex cases are passed to an Enforcement Team. However, it is proposed that the team members will be paid at the same rate as the SRB5 Team, including a Team Leader post, which will amount to a total of £14,000, which will be found from additional rental in the Housing Revenue Account from fewer voids.

3. Legal implications

- 3.1 There are no direct Legal implications associated with this report.

4. Report Authors

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SUPPORTING INFORMATION

1. Report

- 1.1 During the last 8 months a comprehensive review of the Council's Anti-Social Behaviour & Harassment Policies have been undertaken, to ensure that the Authority's strategic objectives and requirements are achieved.
- 1.2 The original policy was introduced in 1999 and still remains a robust tool for tackling Anti Social Behaviour and Harassment. However, the application of the policy and data collection methods were highlighted as the main areas for improvement.
- 1.3 The review also focused on incorporating the recommendations of the Policy Action Team (PAT 8), which is divided into three themes:
 1. Promoting Prevention
 2. Supporting Victims
 3. Enforcement/Resettlement
- 1.4 The proposed 7 priorities of the Crime & Disorder Strategy (2002-2005) developed by the Leicester Partnership Against Crime & Disorder, were also central to the recommendations of this report, ensuring that local priorities were reflected in the changes.
- 1.5 The recommendations of the Stephen Lawrence Enquiry have also been adopted to deal with the perpetrators of racial incidents and institutional racism.

2. Re-categorising reports of Anti-Social Behaviour

- 2.1 One of the main issues identified in the Annual Anti-Social Behaviour Report in May 2001 was the increased numbers of reported incidents, indicating a rise of over 107% compared to 1999/2000. At the time it was recognised that the increase was a result of

more comprehensive recording mechanisms operated by individual Housing Offices. However, it was also evident that many of the reports were very minor incidents and should not be recorded as Anti-Social Behaviour, as they did not reflect the true scale of the situation or action taken to remedy the problems. For example, incidents of rubbish dumping were recorded as Anti-Social Behaviour, despite the fact that in many cases the perpetrator was not identified, and these types of problems are more associated with general nuisance, rather than Anti-Social Behaviour.

2.2 Therefore, it is proposed that reported incidents of ASB be divided into two categories reflecting **major** and **minor** breaches. This approach has already been adopted for determining the appropriate action for dealing with Introductory Tenancies, which has proved to be successful. However, the enforcement action for dealing with Introductory and Secure Tenancies will differ, due to the legal requirements.

2.3 Major breaches will include physical attack or threat, vandalism, damage to personal property, verbal abuse or threat and noise problems that are supported by Abatement Action, by Environment and Development Department. These types of incidents will be categorised as cases of Anti-Social Behaviour, recorded and presented in the Crime and Disorder statistics.

2.4 Minor breaches will include boundary disputes, unauthorised parking, vehicle repairs, pets and youth problems, and will be recorded as reported nuisance and detailed as such, in the annual statistics.

2.5 Cases of Anti-Social Behaviour and reports of nuisance will also be divided into three levels for reporting purposes as follows:

Level 1 These will include the most serious cases that are being progressed through the legal system. It is also envisaged that this data will help to inform the priorities of the Leicester Partnership Against Crime & Disorder Action Plan to reduce the overall number of cases. There are also likely to be cases referred to the Citywide Anti-Social Behaviour Team, if this proposal is adopted.

Level 2 These will include those cases that are considered to be major breaches and under investigation with Housing Officers.

Level 3 These will include reported nuisance cases that can to be considered as minor breaches.

2.6 A minor reported incident of nuisance could be deemed as a major breach of Anti-Social Behaviour at any time if the situation deteriorates.

2.7 Data Collection Systems

2.7.1 It is proposed that a database be created that can record the different levels of Anti-Social Behaviour and reported nuisance. In the case of major breaches, each case will be allocated a unique reference number, which will enable cases to be effectively monitored to ensure that accurate statistics are presented to the Crime and Disorder Partnership.

2.7.2 A similar monitoring system will also be created to enable incidences of Domestic Violence, Racial Harassment and General Harassment to be recorded, which will be used to inform the future strategies and action plans of the Crime and Disorder Partnership.

3. Promoting Prevention

3.1 The Housing Department is committed to working with are our partners and other agencies to promote the prevention of Anti-Social Behaviour and Harassment, which includes reducing the risk of crime occurring through situational and physical prevention, such as CCTV.

3.2 All staff will undergo a comprehensive training programme, to ensure they are aware of the impact of Anti-Social Behaviour and Racial Harassment on our society. Thus ensuring that they have the knowledge, skills and remedies available to tackle the problems, so that local housing estates can be places, where people want to live.

3.3 In addition initiatives will be progressed through the Neighbourhood Renewal Fund and SRB as well as mainstream funding services to tackle Social Exclusion that is a major contribution to ASB Initiatives such as the Beaumont Leys Independent Support Services (BLISS) increase social inclusion for example tenancy support and sustainment schemes.

4. Supporting the Victims of Anti-Social Behaviour & Harassment

4.1 Support Toolkit

4.1.1 A detailed Support Toolkit will be available for the victims of Anti-Social Behaviour and Harassment and Reported Nuisance, which will include referrals to ISIS (Domestic Violence Project), Witness Cocoon, Social Services, Victims of Crime, Racial Harassment Project, Mediation, Rape Crisis, Homeless Services, Community Care, and Youth Offending Team, etc.

4.2 Domestic Violence

4.2.1 Domestic Violence has been detailed as one of the proposed seven priorities in the Strategy for 2002-2005 developed by the Leicester Partnership Against Crime and Disorder.

4.2.2 Government policy around Domestic Violence highlights the impact of the abuse and describes its many forms:

“Domestic Violence can take many forms such as physical assault, sexual abuse, rape, threats and intimidation, which are criminal offences. The abuse is often repeated over many years and may escalate and intensify”.

4.2.3 There are problems associated with gaining a true picture into the extent of Domestic Violence. Firstly, because due to its sensitive nature it is greatly under-reported, and

secondly, there are difficulties in the way incidents are classified. For example, in some instances it could be recorded as violent crime.

4.2.4 The Housing Department already has a perception led policy for dealing with reported cases of Domestic Violence and has signed up to the Citywide Data Collection Protocol.

4.2.5 However, it is proposed that instances of Domestic Violence should be recorded as a separate category to reflect the priority of the Crime and Disorder Strategy, to inform future action plans and resource allocations.

4.3 Racial Harassment

4.3.1 The current Harassment Policy is already perception led and encompasses all types of harassment, including racial incidents. However, it has been amended to comply with the Stephen Lawrence Enquiry, and to apply to all types of harassment.

4.3.2 The City Council is committed to tackling the perpetrators of racial and general harassment and to support the victim and witnesses.

4.3.3 Racial harassment will continue to be a priority in the proposed Crime & Disorder Strategy for 2002-2005. The Housing Department is currently piloting a Racist Incident Reporting System in all areas, which will help to inform the creation of a comprehensive Racial Harassment Strategy in the City.

4.4 Youth Offending Team

4.4.1 The department will continue to work with this organisation to ensure that remedies are sought to resolve individual problems of youth Anti-Social Behaviour, including any proposal to seek an Anti-Social Behaviour Order (ASBO) on known offenders, to ensure that a co-ordinated multi agency approach is applied, as detailed in the protocol.

5. Enforcement Action

5.1 Legal Remedies

5.1.1 Each category of major and minor breaches will have a toolkit of remedies available to housing staff. For example, major breaches can use injunctions, Anti Social Behaviour Orders (ASBO's), Possession Proceedings, Committal Proceedings (for breach of injunction).

5.1.2 There will also be a toolkit available for minor reported nuisance, which will include Environment and Development referrals, mediation, Acceptable Behaviour Contracts (ABC's), enforcement of Conditions of Tenancy, referrals to the Community Care Team, Police and other agencies.

5.1.3 There is also the potential for criminal action in cases of racial Harassment, where there is incitement of racial hatred, intentional harassment and racially aggravated offences.

5.1.4 The Authority also introduced Introductory Tenancies on the 1st October 2001. This is a probationary 12-month tenancy, which allows the Council to 'fast track' court action for breaches of the Conditions of Tenancy, including Anti-Social Behaviour.

5.2 Acceptable Behaviour Contracts (ABCs)

5.2.1 The use of Acceptable Behaviour Contracts have already been piloted in the Humberstone area which have proved to be a successful remedy for resolving problems associated with the youth culture. They can be used for youths between the ages of 10-18 years, and are an agreement between the youth offender, their parents, Police, and the Housing Department. They are not legally binding, but they can be used as supportive evidence in cases that are to be progressed to an Anti-Social Behaviour Order (ASBO) or other legal remedies.

5.2.2 The Local Policing Units have welcomed the use of these contracts, and their potential implementation has received overwhelming support. The contracts can be used for a period of six months and will be reviewed on a monthly basis. They are a means of tackling youth Anti-Social Behaviour whilst avoiding some of the difficulties and costs encountered by using ASBOs, which were established under the Crime and Disorder Act.

5.3 Protocol with Environment and Development Department

5.3.1 Environment and Development Department have legal powers under the Environment Protection Act 1990 to take action against those perpetrators who cause noise and other nuisance.

5.3.2 A protocol has been developed with the Community Public Health Section to ensure that referrals for noise and pet nuisance are actioned as soon as a report is received. The Community Public Health Team can serve a series of warning notices, with the power to serve a Noise Abatement Notice, which is a criminal offence. If this action is taken, then Possession Proceedings can also be taken by the Housing Department.

5.4 Dedicated Citywide Anti-Social Behaviour Team

5.4.1 Many of the larger Authorities have dedicated Anti-Social Behaviour Teams who progress the most serious cases through the legal system to reach a quick resolution and all these have a dedicated legal officer, within the Anti-Social Behaviour Team.

5.4.2 At present, Housing Officer responsibilities are split between conflicting priorities such as collecting rent arrears, reducing void levels, tackling anti social behaviour and dealing with general environmental management tasks.

5.4.3 Therefore, it is proposed to introduce a dedicated Citywide Anti-Social Behaviour Team, who will progress the most serious cases of anti social behaviour to resolution. However, tenants will still be able to report incidents at their local Neighbourhood Housing Office. Discussion will be held with Legal Services to find a mechanism, which allows the Anti-Social Behaviour Team to have a legal officer as part of the team.

- 5.4.4 Although Revitalising Neighbourhoods aims to localise services it is necessary for this centralisation to offer the concentrated expert support for major cases of ASB and Harassment.
- 5.4.5 The team will complement the SRB5 Anti-Social Behaviour Team, that was set up to tackle the most serious cases of anti social behaviour within a defined area of the city. Early indications show that the North West Leicester Area Team is already having an impact in resolving the long-standing and difficult cases.
- 5.4.6 An analysis of serious Anti-Social Behaviour cases indicate that a team of 4 Enforcement Officers, plus legal support, would be sufficient to progress the most serious Anti-Social Behaviour cases across the city through the legal system.

6. Equal Opportunities Implications

- 6.1 Anti-Social Behaviour & Harassment affects all sections of our community and it is imperative that all possible solutions are sought in an attempt to eradicate this type of behaviour for all members of the community.

7. Policy Implications

- 7.1 This report has implications on the Housing Departments Anti-Social Behaviour and Harassment Policy and the Authority’s Crime and Disorder Strategy.

8. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	Yes		6.1
Policy	Yes		7.1
Sustainable and Environmental	Yes		9.1
Crime and Disorder	Yes		11.1
Human Rights Act	No		
Elderly/People on Low Income	No		

9. Sustainable and Environmental Implications

- 9.1 Anti-Social Behaviour can blight neighbourhoods and undermine investment; the recommendations of this report will promote greater sustainability of both individual tenancies and communities.

10. Aims & Objectives

- 10.1 The aim of the Housing services is A decent home for every citizen of Leicester. This report supports objective 6 of the aim "To enable citizens of Leicester to stay in their homes as long as they continue to meet their needs.

11. Crime & Disorder Implications

- 11.1 This report has significant Crime and Disorder implications, which are dealt with in the body of the report.

12. Background Papers – Local Government Act 1985

- 12.1 BME Strategy LCC
Crime & Disorder Act 1998
Stephen Lawrence – Report of an enquiry by Sir William McPherson
Leicester Against Crime & Disorder – Consultation Report 2002
CRE Codes of Practice re: 'Tackling Racial Harassment' (DETR)
Anti Social Behaviour & Harassment Policies and Practices – LCC 1999
Report of Policy Action Team 8 on Anti-Social Behaviour (National Strategy for Neighborhood Renewal 1999)
Anti Social Behaviour Annual Report – LCC 8.5.2001

13. Consultations

- 13.1 LFTA, Tenants Associations, Police, Elected Members, Social Services, Community Development Team, ISIS Domestic Violence Team, Racial Harassment Project Team, Community Public Health Team, Legal Services, Education, Allocations Policy Officer, Homeless & Options Service, SRB5 Anti-Social Behaviour Team, Witness Cocoon, Leicestershire Mediation Service, LCC Equality Officer.

14. Report Authors

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