

ANTI SOCIAL BEHAVIOUR

SUMMARY STATEMENT OF RMBC & RBH

POLICY AND PROCEDURE

1. POLICY STATEMENT

Rochdale MBC and Rochdale Boroughwide Housing recognise that all tenants have a right to the peaceful enjoyment of their home. Equally every tenant has the responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home.

- We recognise that, left unchallenged, anti social behaviour can have a significant negative impact on the lives of our residents.
- We will make use of the powers, orders and mechanisms available to us to deal with anti social behaviour
- We will participate in joint working with partner agencies
- We will place victims and witnesses at the centre of our procedures

By use of these methods we will deliver a proportionate and flexible response to anti social behaviour.

2. OUR DEFINITION OF ANTI SOCIAL BEHAVIOUR

Anti social behaviour can cover a wide range of behaviour. We take a wide view of what may be considered anti social behaviour, it is considered to include acts which interfere with the peace, comfort or convenience of any person or which cause or are likely to cause nuisance, annoyance or disturbance to any person. We think the following are examples of this:

- Damaging property
- Verbal abuse and insults
- Intimidation, using or threatening violence
- Racial harassment
- Nuisance from pets such as dogs barking
- Noise nuisance

Any person who has a concern as to whether they are being affected by anti-social behaviour should seek advice and assistance from their Local Housing Office or the Legal Services and Enforcement Team.

3. WORKING IN CONTEXT

Our working combating anti social behaviour takes account of our many obligations and considerations. Our policy is part of the Rochdale Safer Community Anti Social Behaviour Strategy, designed to provide a balanced and co-ordinated approach to the prevention, identification and rectification of anti social behaviour throughout the Borough of Rochdale.

4. OUR APPROACH

RMBC working with RBH is committed to using a wide range of measures to prevent and combat anti social behaviour. Some of these are listed here:-

- We have tenancy agreement which outlaws anti social behaviour
- We will fully explain the tenancy agreement to all new tenants
- We will use a wide range of measures to address anti social behaviour including interviews, informal and formal warnings and Acceptable Behaviour Contract
- We will use the legal remedies which are available to us including injunctions, possession proceedings and anti social behaviour orders

4.1. How to Make a Complaint/Report an Incident

If our tenants and residents are suffering from any kind of Anti Social Behaviour we request that they report the problem as soon as possible to their Local Housing Office.

Complaints can be made in person, in writing, by telephone, by email, or through a third party (e.g. a Councillor, friend or relative etc.)

Complaints can also be made anonymously, however this may restrict the amount of investigation and action we can undertake and will not allow us to provide the complainant with information and support. We would recommend therefore, that complainants give us their name and address. **NB This will not be revealed to any other party without the consent of the complainant.**

It is important that problems are reported promptly. There are several reasons for this:

- It allows us to give advice and support to the people who are suffering as a result of the behaviour from an early stage
- It allows us to take prompt action in dealing with the issues
- It may be possible to 'nip the problem in the bud'

- Very serious incidents can be dealt with swiftly, thereby protecting our residents

4.2. Upon receipt of a complaint of ASB we will:

- Record the complaint
- Acknowledge and respond to the complaint, initially this will usually be by the Housing Officer for the area. If the problem is serious and/or continues after initial action has been taken the case will be referred to the Legal Services and Enforcement Team
- Interview the complainant and develop an initial action plan, in consultation with the complainant where known, to investigate the problem
- Consider whether mediation is appropriate and, if so, offer this to the complainant and then to the other party involved in the problems.
- Investigate as far as possible every complaint, even when reported anonymously, unless the case is to be referred to mediation.
- Take timely, effective and consistent action to tackle the problems by utilising the range of measures available to us. This will include working with our partner agencies.

4.3. What Happens Next?

If mediation is considered inappropriate or is refused the action plan will usually involve assisting us by gathering further evidence of any further incidents or ongoing problems. This is likely to involve the Complainant keeping a diary of further incidents (Diary Sheets will be supplied). It is important that these are completed as soon as possible after an incident has occurred and supply as much detail as possible. This will enable us to:

- assess the level of the problem
- assess the success of any action we take
- build a case for further action
- take further action

If for any reason, the complainant is unable to complete diary sheets (e.g. due to learning or sensory disabilities, literacy problems, language barriers etc.) alternative methods of information collection can be used.

All information supplied to us will be treated as confidential and the identity of the complainant WILL NOT be revealed without their permission. However, there may be instances where we cannot take any further action without revealing the identity of the complainant. This will be fully discussed with the complainant and their permission gained before we will proceed. It is important that complainant gives due consideration to this as it may become impossible for us to take any action to address the problem if permission is not given.

When full information has been obtained from the complainant it will usually be necessary to consider securing other supporting evidence, the following possibilities will be considered:

- Contacting others who may have been affected by the conduct
- issuing incident diary sheets to witnesses

- loan of recording equipment
- interviewing the alleged perpetrator
- Covert surveillance of the area where the problem has occurred
- CCTV surveillance of the area where the problem has occurred
- Use of professional witnesses

Whatever the outcome of the assessment contact will be maintained with complainants and witnesses throughout this process and they will be kept informed of the outcome.

If no further complaints are received the case may be closed, but no case will be closed until a check has been made with all complainants and witnesses that they are satisfied that the problem has been resolved. (It may be re-opened at a later date if subsequent complaints are received.)

If however, further complaints are received despite the initial action **or if the case is deemed to be serious/urgent**. The case will then be referred to the Legal Services and Enforcement Team for further action. A letter will be sent to all concerned informing them of this and providing contact details for the Enforcement Officer who will be dealing with the case.

NB. At any time during this process serious or urgent cases will be referred to the Legal Services and Enforcement Team immediately.

4.4. Further Action

The case will then be assessed and an appropriate course of action taken. Further investigations need to be made. These should be carried out as quickly as possible and the case should be reviewed and reassessed within an agreed timescale. Actions that may be considered, include but are not limited to:

- No action required because there is no case to answer.
- In formal resolution where an understanding has been reached.
- Warning letters/Formal Cautions
- Acceptable Behaviour Contracts (ABC's)
- Parental Control Agreements (PCA's)
- Referral to another agency
- Environmental Health Action for Statutory Nuisance
- Injunctions (if the case involves violence or threats of violence it may be possible to obtain an emergency injunction)
- Undertakings
- Anti Social Behaviour Orders (ASBO's)
- Demoted Tenancies
- Possession Proceedings

5. SUPPORTING WITNESSES AND COMPLAINANTS

We recognise that the participation of witnesses and complainants is central to success in dealing with anti social behaviour. We will do this by dealing with complaints promptly and keeping witnesses informed. We will also offer real and practical support by a number of initiatives, including:

- Providing home security measures
- Providing panic alarms in serious cases
- Liaising closely with the police
- Engaging ASB Support Workers to act as liaison and information points for witnesses
- Using our officers as professional witnesses

6. MULTI AGENCY WORKING

We will engage in collaborative work with other agencies in order to deter or prevent anti social behaviour and to rehabilitate those who have engaged in such behaviour. We will support and make referrals to the Rochdale Mediation Service to encourage resolution of disputes by consensus. We will work with the SHELTER Inclusion Project to engage support for tenants whose tenancies are at risk by reason of ASB. We will subscribe to the principles of “Designing Out Crime”. We will participate in the Case Intervention Group and will access intervention services from agencies such as INCLUDE and Positive Activities for Young People through that group.

We will work with our partner agencies in a manner which will combine and co-ordinate our efforts to best effect. We identify our principal partners in this activity as the police, the Community Safety Section and our fellow Social Landlords.

We will complete and maintain data exchange protocols with our partner agencies to facilitate this collaborative work.

7. OUR STAFF

Our staff are central to the delivery of our response to anti social behaviour. We will make a commitment to protecting our staff when they are personally subjected to offensive conduct.

We will train our staff to ensure that they are aware of the issues of anti social behaviour, the remedies which they can access and their role in the procedure.

8. A FINAL WORD

If you consider that you are or have been affected by any of the issues raised in this Policy and you have any queries or you wish to access any of the actions or remedies described in the Policy then for further information please contact:

Legal Services and Enforcement Team Tel: Rochdale 757624
Fax Rochdale 757620
Addresses: Harehill House
Harehill Road,
Littleborough
OL15 9HG

A full copy of the Policy and Procedure which is described in this Summary is available at a small charge by contacting the Legal Services and Enforcement Manager at the above address