

Anti-Social Behaviour Policy

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1. Introduction.

At Reading Borough Council, our approach to tackling anti-social behaviour is three pronged - prevention, intervention and enforcement. While often necessary, enforcement action is a last resort to be used only when other more constructive measures have been exhausted or to safeguard others in an emergency. We firmly believe that partnership work plays an important part in addressing the issues associated with anti-social behaviour and multi-agency working is engrained in the Anti-Social Behaviour Team's approach to tackling anti-social behaviour.

Reading Borough Council's Housing Service is committed to reducing anti-social behaviour in the borough. We know that by improving the environment in which our residents live we will create a brighter future for communities across Reading.

2. Aims.

This policy sets out Reading Borough Council's view of what ASB is, what our service standards are and what we want our services to achieve for victims and witnesses of Anti-Social Behaviour. In particular, the aims of this policy set out how the Anti-Social Behaviour Team will deal with ASB in Reading by:

- Taking effective action to deal with severe and/or persistent Anti-Social Behaviour
- Encouraging residents to report anti-social behaviour by promoting a victim focussed service.
- Set realistic expectations in relation to how the ASB Team can deal with anti-social behaviour and what types of ASB the team will deal with.
- Provide support and advice to victims of anti-social behaviour.
- Ensure a partnership approach is taken to tackle Anti-Social Behaviour.

How we will deal with ASB on a day-to-day basis is set out in our ASB Procedure, which sets out a 6-stage process to deal with anti-social behaviour. This process is designed to be flexible, to enable officers to skip parts of it or do things in a different order to protect witnesses and solve the problem.

3. Tackling Anti-Social Behaviour at Reading Borough Council: An Overview

Reading Borough Council's powers to deal with ASB.

Our Role as a Social Landlord

The Anti-Social Behaviour Act 2003 sets out powers that the council has to deal with ASB issues affecting the properties managed by Reading Borough Council. As a landlord, we have different duties and powers to those we have to deal with ASB in the wider community. The powers we can use and in which circumstances are set out in the ASB Procedure document.

Our Role as a statutory member of Reading's Community Safety Partnership.

The Crime and Disorder Act 1998 provided that as a Local Authority we must work in partnership with the police and other agencies, such as Probation and Health Authorities, to reduce crime and disorder in Reading. This work is guided through Reading's Community Safety Partnership and its response to the strategic assessments carried out every 3 years.

4. Definition of Anti-Social Behaviour.

Anti-Social Behaviour can mean different things to different people and there is no one single definition of Anti-Social Behaviour.

When assessing if a case should be fully investigated, Reading's Community Safety Partnership definition of ASB will be applied, which is as follows:

*“Behaviour causing damage, disturbance, distress, harm or fear which has a **significant impact** on people's lifestyles, routines or their environment. **Persistence, intensity and the number of incidents involved are relevant factors. The behaviour need not be a breach of the criminal law.**”*

For the purpose of taking legal action in Reading Borough Council's Housing capacity, the following definition from the Anti-Social Behaviour, Crime and Policing Act 2014 will apply:

Conduct capable of causing housing related nuisance or annoyance to any person.

5. Delivering an ASB Service in Reading.

This policy acknowledges that environmental ASB, including Statutory Nuisance, is tackled by other service areas within Reading Borough Council, who operate within their own policies and procedures. This policy focusses on the ASB Team's response to ASB.

- **The ASB Team.**

Within Reading Borough Council's Anti-Social Behaviour Team, 4 Anti-Social Behaviour Officers are dedicated to dealing with anti-social behaviour, including those neighbourhoods in which there are council-owned properties.

The primary objective of the Anti-Social Behaviour Team is to reduce severe, and/or persistent anti-social behaviour perpetrated by local authority tenants and private rented/owner occupiers, as well as dealing with area based anti-social behaviour, for example, street drinking and motorbike nuisance.

- **Housing Association cases.**

Housing Associations are responsible for dealing with ASB involving their tenants. Cases which require a multi-agency response can be referred to a multi-agency problem solving meeting with a range of partner agencies to problem solve. The ASB Team will not case-manage these cases, but can provide guidance, if required.

6. The ASB Team's Approach.

The Anti-Social Behaviour Team will treat people fairly and equally and ensure that a proportionate and reasonable approach is taken to any action taken to resolve anti-social behaviour.

The team uses a variety of approaches to intervene as early as possible, resolving issues before they become major problems. Early intervention could include Warnings, Mediation, Acceptable

Behaviour Contracts (ABC's) and Good Neighbourhood Agreements (GNA's). An overview of these interventions can be found in the Anti-Social Behaviour Procedure.

The ASB Team will only become involved in those cases where evidence is provided to demonstrate that an issue is of a persistent and significant or serious nature. The ASB Team reserves the right not to investigate a case where there is evidence that the complainant is being unreasonable, vexatious or vindictive. In these circumstances, the complainant will be advised of this assessment and the reasons.

When deciding on what action to take, the ASB Team will ensure that any action, particularly when considering legal action, is both reasonable and proportionate, taking into account all the facts of the case. There will often be difficult decisions for the council to make and at times, this may mean that the action we take is not considered adequate by the victim/witness. However, officers will explain the reasons why decisions have been made in all circumstances. The team will take into consideration view of those involved in the case. It will however be the Council's decision regarding what action is or is not taken.

- **Categories of Anti-Social Behaviour.**

Whilst the term Anti-Social Behaviour covers a broad range of issues, The ASB Team focuses on the most serious types of anti-social behaviour. Reading Borough Council believes that everyone has a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made against them. It is important that individuals show tolerance and be respectful of differing lifestyles and circumstances.

Anti-Social Behaviour issues the ASB Team will investigate:

- Noise - only caused by Reading Borough Council Housing Tenants where the noise is frequently excessive in volume and duration or occurs at unreasonable hours.
- Threatening behaviour
- Drug related issues (which cause significant ASB)
- Problematic visitors (those of Reading Borough Council Housing Tenants only)
- Hate crime - racist, homophobic etc.
- Violence
- Verbal abuse
- Vehicle Nuisance (vehicles being driven/riden in an anti-social manner)
- Offensive communication (in cyber bullying)
- Exploitation /cuckooing/Mate Crime
- Criminal damage
- Street drinking
- Aggressive Begging

The following issues will be dealt with Tenant Services, if Reading Borough Council tenants are involved or they are taking place on Reading Borough Council housing estates.

- Parking
- Animal problems
- Untidy gardens/high hedges
- Condition of property (non-garden)
- Car repairs
- Flytipping
- Abandoned vehicles

- Alleyway (clearance of gating/overgrown)
- Trees (if on housing land)
- Street lights (if on housing land)
- Domestic violence issues
- Ball game nuisance

The following issues will **not** be investigated:

- Actions that are normal everyday activities or household noise, e.g. walking across laminate flooring, people talking, children crying, children playing, noise generated from domestic appliances at reasonable hours.
- Cooking smells
- Children playing in their homes or in the locality of their home or designated playing area.
- Ball game nuisance
- A one-off party
- Actions which amount to people being unpleasant to each other people or people staring with no other associated ASB but are not sufficiently serious considering the likely harm caused to justify our involvement
- complaints about other people having lifestyles that offend others, for example issues about differences in parenting, who people socialise with, how people dress
- Spreading rumours
- Parking disputes
- Boundary disputes
- Car repairs on non-RBC housing land.
- Low level neighbour disputes - Not all neighbour disputes should be dealt with as anti-social behaviour. Depending on the circumstances of a complaint, a complainant may be advised to contact their own legal advice in relation to their complaint.

Noise Nuisance within Reading Borough Council's housing stock is an issue that is regularly reported to the ASB Team. The team will make it clear to RBC Tenants that it is expected that whether they live in a house or a flat, they will hear some noise from their neighbours. This will vary depending on the type of property they reside in and how the noise travels between adjoining properties. However, residents are not expected to endure severe levels of noise nuisance, for example persistent loud music.

- **Hate Crime.**

Hate related incidents are those perceived by the victim as being motivated by prejudice based on a personal characteristic, including:

- Race or ethnicity
- Religion or beliefs
- Sexual orientation
- Disability
- Transgender identity

Incidents may be against a person or a property. A victim does not have to be a member of the group to which the hostility is targeted. All reports relating to a hate incident will be responded to by the ASB Team within one working day and the team will work in partnership with the police to resolve the issue.

- **Criminal Activity.**

Primarily, acts of criminality should be reported to the police and the ASB Team will advise anyone reporting criminal activity to report it to the police. However, the ASB Team will support Thames Valley Police to tackle criminal activity in our neighbourhoods and will take action to enforce Reading Borough Council Housing tenancies in cases where criminal activity is linked to our properties. In some cases, whereby criminal activity is occurring, it may be appropriate that we lead on some of the action required to deal manage ongoing issues of criminal behaviour, for example, obtaining Injunctions under the Anti-Social Behaviour, Crime & Policing Act 2014.

7. ASB Case management.

The ASB Procedure sets out in detail how anti-social behaviour can be reported, initial response times based on risk, how reports of ASB will be assessed and how reports may progress into a case investigation. Cases will only progress if they are of a persistent and significant nature. In low level situations, Complainants will be encouraged to try and resolve the situation themselves in the first instance. In most instances, perpetrators of ASB will be given the opportunity to improve their behaviour before the decision is made to take enforcement action. However, it is necessary to balance the needs of the individual against the needs of the community. If it is essential to act to protect the needs of the community, we make every effort to ensure that this is both swift and effective.

Enquiries and cases will be allocated to the ASB Officer who covers the area in which the ASB reported is occurring in. If an enquiry is progressed into a case investigation, the ASB Officer carrying out the enquiry will lead on the case investigation and any subsequent interventions and enforcement action to ensure an effective resolution to the case.

The ASB procedure will follow 6 stages, which are set out below. The procedure is designed to be flexible, so ASB Officers can skip parts of it or do things in a different order in order to protect witnesses and solve the problem, particularly as there may be occasions where an incident occurs that needs an urgent response and possibly legal action, for example violence or threats of violence.

Stage 1 - Initial Enquiry and Assessment.

The initial enquiry is triggered upon the receipt of a new reported issue of ASB. It is designed to establish whether an initial investigation will be triggered and will provide the allocated ASB Officer information to make a judgement as to how severe the complaint and whether urgent enforcement action is required.

The Enquiry period lasts for a maximum of 4 weeks. At any point during the enquiry stage, the enquiry may be converted to a case, if the thresholds are met. If insufficient information is

provided to meet the threshold to proceed with a case investigation, the enquiry will be closed, and the complainant will be advised of this.

Contact will be made with complainants within the timescales set out above. If the ASB Officer is unable to contact the complainant after 3 attempts by telephone, a letter will be sent to encourage contact. If the complainant does not contact the ASB Team within 10 working days of the letter being sent, the assessment will be closed.

During this process, we expect that if we ask for diary sheets to be completed, that they are and returned to the allocated ASB Officer and in RBC Housing noise cases, if we ask for submissions via The Noise App, these are submitted.

- **Action Plan.**

At this stage the ASB Officer will set up an Action Plan, which will be used to record the chronology of incidents, actions set and taken by the officer and other agencies, including any multi agency meetings, referrals to agencies for support, requests for information and the risk assessments. Forthcoming actions will also be recorded, e.g., when contact is due, when a new risk assessment is due to be carried out.

Stage 2 - Case Investigation.

If an enquiry converts into a case investigation, the ASB Officer will open a full case, open an action plan and begin the evidence collation process. The ASB Officer will ensure that the continue to engage with the victim/witnesses involved in the case to ensure that they continue to provide information to enable the officer to resolve the case effectively. It is important to note at this stage that a case may escalate at any time and more urgent action may be required.

When advising the victim/witness that the case is progressing to a full investigation, the ASB Officer will offer to meet with the victim, unless the victim states they do not wish to meet in person, either at their home or a suitable location. Regardless of whether the officer meets in person or liaises with the victim by telephone, the ASB Officer will follow an interview plan to obtain further information, set out clear expectations, establish if there are any support needs and reassure the victim/witness. This interview plan is set out in the ASB Procedure.

- **Evidence gathering.**

The ASB Officer will endeavour to gather evidence in a number of ways to support the case. This will include:

- Interviewing victims/witnesses & perpetrators
- Taking statements
- Liaising with Thames Valley Police regarding any reports which may have been made to them
- Sourcing any CCTV footage
- Noise Monitoring Equipment/The Noise App recordings.

This process will take place over a 2-month period before an initial case review is conducted. The victim/witness will be expected to continue reporting incidents through the agreed channel throughout the duration of the remainder of the case. In cases where this does not happen, the case may be closed due to lack of information.

Stage 3 - Initial Case Review.

After 2 months of the case being opened, if the case has not progressed onto stage 4 or 5, the ASB Officer will carry out a case review to establish if the case should be closed or progressed further. This will depend on the evidence provided and if the ASB is considered to be persistent and severe.

The following actions may apply:

- **No further action - case closed (stage 6).**

There are several reasons why a decision is made to close the case at this stage, for example,

- No reported incidents received.
- There is insufficient evidence to identify a perpetrator
- Evidence provided is found to be unreliable
- The complainant does not support action

If the ASB Officer is considering closing the case, they will advise the victim/witness at the point of the 2-month monthly contact and set out why they are considering closing the case. Following the discussion, the ASB Officer will make a decision to close or monitor further and advise the victim/witness how long they will monitor for. This should be for no longer than 1 month. If there are still no opportunities to progress the case, the officer will discuss closing the case with the ASB Team Manager.

While all ASB reports that progress to a case investigation will be investigated fully, there may be cases where there is little action that we can take in response to a complaint. For example, if there are counter allegations and no supporting evidence from either party.

- **ASB is continuing.**

The ASB Officer will continue with Stage 4. Cases will continue to be reviewed on a monthly basis after this point. If there are no reported incidents for a 4-week period or the incidents have reduced significantly in persistence and severity so that they no longer meet the threshold, the ASB Officer will consider closing the case and will discuss this with the victim at the next monthly contact, setting out why they are closing the case.

Stage 4 - Interventions.

The ASB Team will use a range of interventions to try to put a stop to ASB and these will often be used in the first instance. As each case is different, we are committed to finding the most appropriate intervention for the relevant case. However, a few of the most commonly used interventions are outlined below for the purposes of reference:

- Verbal warnings/Words of advice
- Warning letters
- Mediation
- Acceptable Behaviour Contracts
- Good Neighbourhood Agreements

A full range of interventions available are set out in the ASB Procedure.

If these interventions do not curtail the ASB, the case will be considered for legal action. However, insufficient evidence can threaten the success of legal action and lead to an inefficient use of finite resources.

Stage 5 - Legal Remedies.

The Anti-Social Behaviour Team acknowledges the significance of enforcement action in reducing anti-social behaviour. However, reasonableness and proportionality will be at the forefront of any legal action that is considered. The Anti-Social Behaviour Team will, if necessary, seek advice from the Council's legal team before taking the decision to proceed with legal action, to ensure that it is an appropriate, reasonable and proportionate step to take.

For all cases that persist and where alternative solutions have proved ineffective, legal action will be considered. In cases that require urgent action to safeguard individuals or the wider community, enforcement action will be taken as a matter of urgency.

The use of legal action will be decided by the council. In almost all but the most serious of ASB cases being considered for ASB related enforcement action, the case will first be referred to the ASB Multi-Agency Panel, a monthly consultation panel at which proposed ASB related enforcement is discussed for approval.

The types of enforcement that will be considered:

- Legal Warning letter / Letter Before Action
- Civil Injunctions with or without a Power of Arrest attached
- Closure Orders
- Community Protection Notices
- Criminal Behaviour Orders

For persistent area-based issues, a Public Space Protection Order may be considered.

In addition, the following will apply to Reading Borough Council Housing tenants:

- Demotion of Tenancy
- Notice of Seeking Possession (NOSP) or Notice of Proceedings of Possession in cases of Introductory Tenancies
- Possession Orders
- Notice of Seeking Possession on Absolute Grounds

External factors beyond the control of Reading Borough Council can impact the progression and speed of cases, for example the availability of court dates. Any delays will be communicated appropriately to the victims and witnesses.

Stage 6 - Case Closure.

The accompanying Anti-Social Behaviour procedure is designed to ensure that cases are not open for longer than necessary. However, it is important to ensure cases are closed appropriately. Cases will only be closed with the approval of the ASB Team manager. Cases may be closed during any stage of the procedure due to one of a number of factors, including:

- Lack of co-operation from the victim/witness.
- Establishing the incident did not take place.
- Determining the issues reported are not considered by the ASB Team as anti-social behaviour.
- Not having enough evidence to prove the matter to the relevant standard of proof.
- The anti-social behaviour has stopped and risk of further ASB is low.

ASB Officers will ensure they communicate to the victim/witness when a case will be closed and the reasons why. The rationale for case closure will be recorded in the case action plan.

The full details of the following procedure are set out in the accompanying ASB Procedure document.

8. Victim and Witness Support.

The support for victims and witnesses of anti-social behaviour, provided by the ASB Team will vary, depending on the type of anti-social behaviour they are experiencing. The ASB Team will also make referrals to other support agencies, as and when required.

Once an enquiry has converted into a case, the following service offer will be in place for victims and witnesses:

- There will be one point of contact for the victim or witness throughout the process of resolving their complaint.
- Regular feedback regarding the progress of their case will be provided - officers will update victims and witnesses at least once a month.
- Full support will be provided, including providing an escort and pre-meet for any court hearing will be given.
- That the homes of victims will be assessed for additional support and safety measures.

9. Vulnerable Perpetrators.

We acknowledge that the vulnerabilities of some residents contribute to behaviour which is classed as anti-social to those around them. These vulnerabilities include but are not limited to, mental health issues, learning difficulties and substance misuse.

In cases where vulnerable perpetrators are involved, we will work closely with various support agencies with the aim of improving the behaviour of a tenant. If it is felt that the tenant in question cannot sustain a general needs tenancy, we will advocate relocating them to more suitable accommodation. The ASB Team regularly makes referrals to a range of support services, including the Floating Support Team, the Community Mental Health team, and treatment providers for substance misuse and will work alongside partner agencies to ensure appropriate support is provided. Understanding that a coordinated multi-agency approach is often needed, cases will be referred to the People Solution Group to facilitate joint working and ensure a co-ordinated multi agency approach.

10. Reporting ASB to the ASB Team.

Victims and witnesses can report via the following methods:

- Telephone (via Council's call centre) Tel 0118 937 3787
- Email - asb.team@reading.gov.uk
- In writing - ASB Team, Partnership Office, 1st Floor, Reading Police Station, Castle Street, Reading, RG1 7TH

Calls made to the call centre will be recorded on the council's CRM system and emailed to the ASB Team.

The ASB Team acknowledges that victims of anti-social behaviour may wish to report anonymously due to being frightened. However, we do encourage people to come forward in person where possible, to enable officers to gather all relevant information to conduct a thorough investigation.

11. Service standards & service improvement.

If a full case is opened, we will ensure the following:

- A named officer will oversee the initial enquiry and where appropriate, a case investigation.
- The ASB procedure is thoroughly explained to all victims and witnesses & realistic expectations are set.
- Witness support tailored to the needs of each individual.
- For the duration of the case, victims and witnesses will be kept updated at least once a month on the progress of their case.

In order to continuously improve our service, we ensure that all complainants are asked to provide feedback regarding their experience of the Anti-Social Behaviour Service via closed case questionnaires, which can be accessed online or in the post. The Anti-Social Behaviour Team also links in with the Tenant Participation Team and meet with community members to find ways of improving the service.

12. Working in partnership.

Reading Borough Council recognises the importance of partnership working, both with other agencies and residents and will ensure that partnership factored into the management of cases. It may be more appropriate for other agencies to take the lead in cases at times, however, the Anti-Social Behaviour Team will take the lead and appropriate action when necessary.

An important element throughout all stages of the Anti-Social Behaviour Team approach is working in partnership with both internal and external agencies. As stated above the team will work with support agencies and those with an enforcement role such as Thames Valley Police and Environmental Health and, if appropriate, will refer the case to a multi-agency problem solving group for further problem solving.

13. Information Exchange and Confidentiality.

- **Information Sharing.**

Reading Borough Council's Anti-Social Behaviour Team is signed up to Reading Community Safety Partnership's Information Sharing Protocol. Officers are trained to have a solid awareness of these procedures to ensure legal and safe sharing of information. It may be necessary to share information as part of the Team's investigations: this process will be used to facilitate this sharing of information.

- **Handling data.**

The ASB Team ensures that all data handled by the team is:

- Collected for a specific and legitimate purpose and is not used for anything other than this stated purpose.
- Processed lawfully, fairly and in a transparent manner.
- relevant and limited to the requirements for which the data is processed.
- accurate and kept up to date, with any identified inaccuracies amended or removed without delay.
- Stored for as long as required, in line with the ASB Team's Privacy Notice.
- Secured using appropriate solutions, which protect against unauthorised or unlawful processing.

The ASB Team's Data Processing Notice is available on Reading Borough Council's website: [Add web address](#)

- Consent.

The ASB Team will ask victims and witnesses for consent, in the format of a consent form, to take action; to ensure that they are in agreement with the action we are taking; and to refer to any support services. In cases where consent is not given to action being taken and where the ASB can be witnessed without the help of the victim or witness, the ASB Team will investigate this, but will ensure there no risk is posed to the victim.

The ASB Team will also ask consent in cases when the victim/witness wishes for another person to liaise with the team on their behalf.

14. Community Right To Review (Community Trigger).

The Community Right to Review is a means by which victims of persistent anti-social behaviour can request a review of their case. Once the Community Right to Review process has been requested the relevant agencies, which may include the local authority, police, health providers and/or social housing, will work together and decide whether any further action can be taken to resolve the issue.

The Community Right to Review cannot be used to make complaints against individuals who have worked on your case as it is not a complaints process.

A separate procedure for processing Community Right To Review requests sets out the roles and responsibilities of the ASB Team.

15. Equality and Diversity.

The Equality Act 2010 provides people with a protected characteristic protection from direct or indirect discrimination, harassment or victimisation. This policy is designed to be inclusive, regardless of protected characteristics and the service provided by the Anti-Social Behaviour Team is designed to meet a range of different needs of those who use our service and those whom action may be taken against.

When considering and taking legal action against anyone involved in anti-social behaviour or introducing a Public Space Protection Order, the Council will ensure that it complies with its Public Sector Equality Duty. The ASB officer dealing with the case will carry out an Equality Act Assessment to demonstrate, amongst other things, that any protected characteristic the perpetrator(s) may have, whether they have any support services in place and whether the proposed action is a proportionate means of achieving a legitimate aim has been taken into

consideration by the council and to ensure that the legal action proposed is a proportionate, reasonable and appropriate response to the anti-social behaviour committed.

16. Legal Framework.

This policy has been informed by the legal and regulatory framework for tackling anti-social behaviour, including:

- Anti-Social Crime and Policing Act 2014
- Housing Act 1985
- Housing Act 1996
- Crime & Disorder Act 1998
- Equality Act 2010
- Human Rights Act 1998
- Anti-Social Behaviour Act 2003
- Data Protection Act 2018