

ANTI-SOCIAL BEHAVIOUR

A South Warwickshire Partnership Approach

CONTENTS

page

1.	Introduction	
1.1		
	- Defining anti-social behaviour	3
	- What the community can expect of us	3
	- Monitoring and review	4
1.2	Tackling anti-social behaviour	
	- Anti-Social Behaviour Officer	4
	- Working with our partners	5
	- Data protection and confidentiality	5
	- Human Rights	6
2.	Procedure documents	7

1. Introduction

1.1 Defining anti-social behaviour

In general terms, any unreasonable behaviour or action that interferes with a resident's quiet enjoyment of their home or which adversely affects the quality of life of people within the local community could be considered to be anti-social.

The definition of anti-social behaviour in Section 1 of the Crime and Disorder Act 1998 – "behaviour which causes or is likely to cause harassment, alarm or distress to one or more people who are not in the same household as the perpetrator" – is not prescriptive. It reinforces the idea that anti-social behaviour is to some extent dependant on the tolerance and perception of the person affected.

Anti-social behaviour (ASB) can therefore encompass a wide range of activities, from those that cause minor nuisance or irritation to major incidents of harassment, threats or actual acts of violence.

The procedure notes which form part of this document outline examples of activities that could be classed as anti-social behaviour. They generally fall into two broad areas - interpersonal/malicious ASB by a single perpetrator on an individual or family or ASB related to groups or gatherings at community level.

The examples given, however, are by no means exhaustive.

We believe that our residents have the right to live peacefully in their homes and recognise the distress that anti-social behaviour has on individuals, families and whole communities. We have a clear role to play in tackling all forms of nuisance and anti-social behaviour and taking the appropriate response to each reported incident.

In responding to reports of nuisance or anti-social behaviour we will be mindful of the fact that in many cases conflict can be the result of a clash of lifestyles. We need to ensure that our response is proportionate to the particular circumstances and that it recognises the rights of all those involved.

Warwick and Stratford Crime and Disorder Reduction Strategies for the period 2002-2005 each had anti-social behaviour reduction as a priority. The levels of anti-social behaviour were similar to the levels of crime in 2004-2005, with 6,753 incidents in Stratford-on-Avon District and 11,107 in Warwick District. Reported incidents of anti-social behaviour across South Warwickshire increased by 5% over the period of the last strategy.

In Stratford-on-Avon District the level of anti social behaviour increased by 19% over the three years of the last strategy. This was due principally to large increases in reports of nuisance behaviour (62%), criminal damage (26%) and intimidation and harassment (47%).

In Warwick District there was a 2% decrease in reports of anti social behaviour in the same period. All forms of anti-social behaviour

decreased with the exception of nuisance behaviour, which increased by 24%.

What the community can expect of us

Our commitment is made explicit in this policy and the procedures accompanying it and will be demonstrated through our pro-active approach to tackling and resolving incidents of anti-social behaviour.

We will take a preventative approach to tackling anti-social behaviour in the first instance, working with residents and other agencies to achieve this. When anti-social behaviour occurs however, we will demonstrate our commitment through taking positive enforcement action and making use of the most appropriate legal and other remedies.

We will encourage the reporting of incidents and respond quickly and sensitively to all complaints made. Our procedures will detail our approach to dealing with different types of complaint and what complainants can expect of us by way of a response.

When investigating complaints and taking any necessary action we will support complainants and witnesses through the process and ensure that we put their interests first.

We will provide information and advice to complainants explaining how we deal with different types of anti-social behaviour and make sure that complainants are directed towards other agencies that might be able to provide help and support.

We will publicise our commitment to tackling and resolving anti-social behaviour so that our residents, the wider community and other agencies are made aware of what we can and will do.

We will be proactive in promoting the work that we do in responding to and tackling anti-social behaviour and seek opportunities to publicise the positive results of our work in this area.

We will ensure that we appropriately resource this area of activity, making adequate budget and staffing provision that reflects our commitment to tackling nuisance and anti-social behaviour.

Monitoring and review

We will monitor all reports of anti-social behaviour, recording the type of incident and where it occurred. This will ensure that our approach remains responsive to local circumstances and enables us to target our resources appropriately. We will also monitor the action that we take and our success in resolving complaints of anti-social behaviour.

We will develop key performance indicators, which will enable us to monitor our effectiveness at dealing with anti-social behaviour. We will report on performance against key indicators on a regular basis.

1.2 Tackling anti-social behaviour

The District Council Anti-Social Behaviour Officer

The District Council Anti-Social Behaviour Officer is the first point of contact for anyone who wishes to report an incident of anti-social behaviour. We recognise, however, that complaints are likely to be received by partner agencies, particularly the Police and Local Authority. We will establish effective communication to ensure that the complaint is dealt with effectively, no matter how it is received.

The procedures which accompany this document detail how we will respond to a complaint of anti-social behaviour.

In principal, we will adopt a 'tool box' approach to tackling complaints of nuisance and anti-social behaviour, employing a range of preventative, legal and non-legal remedies depending on the nature of the incident. The matrix of interventions is detailed in the procedure section of this document and includes:

- Positive Diversionary Activity
- Acceptable Behaviour Contracts
- Anti Social Behaviour Orders
- Injunctions
- Environmental Visual Audits
- Mediation
- Lettings and estate management

Working with our partners

Whilst action by individual agencies can be extremely effective, we recognise that often the most effective way of tackling anti-social behaviour will be in partnership. In most cases joint working is an essential part of the investigation process and the management of anti-social behaviour. This will involve, where appropriate, input from Local Authorities (Social Services/Education/Environmental Health/Housing), Police, Social Landlords, Health Authorities, Race Equality organisations, Citizens Advice Bureaux and Victim Support, amongst many others.

Where anti-social behaviour is attributable, either directly or indirectly, to problems of alcohol or substance misuse, mental health problems or other support needs we will work with other agencies to provide intervention to support the perpetrator.

We will be mindful of the Disability Discrimination Act 1995, taking account of behaviour that may be related to a disability and making sure that any enforcement action is appropriate and proportionate to the individual circumstances.

In dealing with anti-social behaviour we will be mindful of the need to ensure equality of opportunity to all. We are opposed to all forms of discrimination and will give positive support and assistance to victims of racial and other harassment.

Data protection and confidentiality

In dealing with complaints of anti-social behaviour it is necessary for us to respect the confidentiality of all those involved. We will seek the complainants' permission to disclose their identity before sharing this information with the perpetrator or any other third party.

In all our work we will ensure that we adhere to Data Protection legislation, paying particular attention to the provisions of the Warwickshire Sharing of Information Protocol.

Human Rights

In our approach to tackling nuisance and anti-social behaviour we will have regard for Article 8 of the Human Rights Act 1998, which states:

"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others"

We will take a balanced approach in our response to reports of anti-social behaviour, acting only where the effect of the anti-social behaviour to one or more residents, outweighs the effect of the interference in the private lives of another resident.

2. PROCEDURE DOCUMENTS

A comprehensive set of procedures forms part of this policy framework to ensure that all staff are able to deal with any complaint of nuisance or anti-social behaviour in a consistent and professional manner.