

ANGUS COUNCIL

ANTI-SOCIAL BEHAVIOUR POLICY



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1. INTRODUCTION

The Scottish Government has made tackling anti-social behaviour one of its key priorities. Funding has been provided to local authorities to specifically target anti-social behaviour, the poor quality of some environments and to help local residents build, strong, safe, secure and attractive communities.

2. AIM

Angus Council and its partners have a commitment to making its communities pleasant and secure places to live. This policy outlines how Angus Council will not tolerate any form of anti-social behaviour caused by its residents, their visitors, family or any other person.

The principle aims of this anti-social behaviour policy are to prevent anti-social behaviour by:

- Working with children, families and adults from the earliest possible point
- Promoting the responsibility of all community members to respect themselves, their immediate neighbours and the community in general
- Supporting communities, including the general majority of people who want to live harmoniously with others in a safe and secure environment while confronting the small minority of people whose behaviour undermines this
- Preventing anti-social behaviour arising and escalating through early detection and proactive management.

3. KEY OBJECTIVES

The key objectives underpinning this policy are:

- To minimise the impact of anti-social behaviour through support for victims and witnesses, and by involving and empowering affected communities
- To prevent anti-social behaviour through education, community initiatives, and deterrence measures
- To ensure a rapid response to reported incidents, to take action to resolve problems when they arise, and to take effective action to dissuade and divert
- To use the full range of enforcement powers to stop offenders and minimise the impact on affected communities and individuals
- To promote responsible behaviour through education, support, supervision, and restorative justice
- To ensure effective information sharing between agencies, to ensure affected communities and individuals are kept informed, and to use the media proactively to build community confidence

4. ANTI-SOCIAL BEHAVIOUR STRATEGY

The current Anti-social Behaviour Strategy 2005-2008 is based around the above six principles and was first published in 2005.

5. DEFINITION OF ANTI-SOCIAL BEHAVIOUR

The legal definition of anti-social behaviour is set out in the Anti-social Behaviour (Scotland) Act 2004:

“A person engages in anti-social behaviour if they: Act in a manner that causes or is likely to cause alarm and distress; or Pursue a course of conduct that causes or likely to cause alarm and distress to at least one persons not of the same household as them. Anti-social behaviour may include what a person says, and a course of conduct means something done on at least two occasions.”

Anti-social behaviour is not necessarily behaviour that is simply different, e.g. by reason of a medical or developmental condition or mental health issue or because of a different lifestyle, culture or religion. In determining whether a person has engaged in anti-social behaviour, any behaviour which is shown to be reasonable under the circumstances will be disregarded.

Recent customer satisfaction and anti-social behaviour surveys carried out in Angus revealed that a wide range of anti-social behaviour ranging from alcohol and drug induced behaviour to vandalism and dog fouling are areas of particular concern. Neighbour disputes were also a cause for concern.

Angus Council is committed to tackling and reducing anti-social behaviour by responding firmly and effectively to complaints. This policy will provide a framework for action relating to complaints of anti-social behaviour. The policy also links with Angus Councils Anti-social Behaviour Strategy, Community Safety Strategy, Racist Incident Multi-agency Panel Working Practices Document and the Angus Community Plan.

6. POLICY STATEMENT

Angus Council and its partners are committed to improving the quality of life for everyone in Angus, and in providing a safe and secure environment to enable communities to live harmoniously and free from the negative impact of anti-social behaviour.

Reports of anti-social behaviour will be investigated, where appropriate, in conjunction with relevant outside agencies. Action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged. And appropriate to their personal circumstances. In very serious or persistent cases of anti-social behaviour, rapid enforcement action will be taken to resolve the problem. This may include court action where appropriate.

All instances of anti-social behaviour which are considered to be criminal will be reported to Tayside Police who may undertake criminal investigations.

Angus Council is committed to tackling racially motivated incidents. The Racist Incident Multi-Agency Group has a policy and procedures in place to achieve this objective. Where racially motivated incidents occur, this policy and procedure will be followed.

7. JOINT WORKING WITH LOCAL PARTNERS AND INFORMATION SHARING

Angus Community Safety Partnership leads the monitoring and development of the Anti-social Behaviour Strategy in Angus.

The sharing of information between agencies is essential to successfully tackling anti-social behaviour. The current Anti-social Behaviour Information Sharing Protocol in place between Tayside Police, Angus Council and other RSLs provides a framework for such information sharing.

A joint police/Housing/Environmental Health group meet on a regular basis to share information effectively and identify priority cases of anti-social behaviour and criminal conduct in each town in Angus. The groups remit is:

- To share information effectively and identify priority cases of anti-social behaviour or criminal conduct in each housing area
- To fully discuss priority cases with a view to implementing a partnership response in order to resolve ongoing problems
- To effectively monitor ongoing problems and provide timely interventions aimed at preventing repetition/escalation
- In appropriate cases, joint visits by officers of the Housing Department and Tayside Police to alleged offenders, are arranged in an effort to resolve a situation. Often, the presence of officers from both agencies can assist in resolving matters by proving to the alleged offender that the complaints are being taken seriously.
- The Early Intervention meetings are also used to exchange information in order to confirm whether police have attended at incidents of anti-social behaviour and whether police attendance or resultant action provides evidence to substantiate the complaint.
- The information exchanged at this stage is not be of a 'personalised' nature.
- The Early Intervention meetings are another example of partnership working to tackle anti-social behaviour at an early stage, prior to consideration of legal action.
- Detailed and personalised information will be requested only when a decision has been made to make application for an ASBO or Eviction Order.
- The group also monitors all Anti-social Behaviour Orders and Acceptable Behaviour Agreements/Unacceptable Behaviour Notices in Angus.

COMMUNITY HOUSE TEAM ASB EARLY INTERVENTION MEETINGS

As well as the formal information sharing process between Tayside Police and Angus Council, each area Community Housing Team takes part in a regular, dedicated ASB Early Intervention meeting. This provides a forum where CHT practitioners can discuss current cases of ASB under investigation, ask for advice from CST staff about case direction and forward

information which can be shared with Tayside Police and other partner agencies. The meetings are chaired by a member of the CST and may include other relevant partner agencies such as local RSL staff if pertinent.

These meetings form a vital part in the monitoring of anti-social behaviour in Angus and the delivery of the Angus Anti-social Behaviour Strategy, which is the responsibility of the Community Safety Manager.

TARGET TASKING

The Community Wardens are briefed daily by the Community Safety Manager in line with the National Intelligence Model. The Community Intelligence Analyst plays a pivotal role in this process. Information gathered from a range of sources, including Community Planning partners assists the Analyst in identifying hotspots and trends in relation to antisocial behaviour issues. Briefing notes on recent events, together with tasking instructions are passed to the Wardens for information and action.

The Scottish Government have now relaxed the patrol areas for the Community Wardens and view the service as a valuable resource in patrolling specific hotspot areas. Tasking clearly reflects this ethos and analysis of impact is reported to the Community Safety Partnership.

Angus Community Wardens service have recently been given enforcement powers and are able to issue Fixed Penalty Notices in the areas of low level anti-social behaviour such as :

- Litter - S88 of the Environment Protection Act 1990,
- Dog fouling S4 of the Dog Fouling (Scotland) 2003,
- Fly tipping offences S33A of the Environment Protection Act 1990

In terms of antisocial behaviour complaints, the Investigation Officers (IO's) within the Community Safety Team are tasked by the Community Safety Manager. Information gathered from the ASBO Review Group, consisting of Tayside Police, Angus Council officials and Housing Associations, ensure relevance to ongoing enquiries. The Community Safety Manager tasks the IO's having reviewed relevant information from housing colleagues and the Review Group meetings.

8. ANGUS COUNCIL PROCEDURES FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR

A comprehensive procedural manual for dealing with complaints of anti-social behaviour was first implemented in 2005. The document has been subject to a recent review and changes and improvements made through consultation with ASB Practitioners, relevant partner agencies, council staff and local residents. The procedures also refer to the out of hours Anti-social Behaviour Enforcement Team.

The manual contains detailed procedures for staff to follow in each specific case. Initial investigations are carried out by staff from the Housing Division, except in cases where both parties are non tenants. These cases are

immediately investigated by the CST. Cross tenure problems can also be referred to the Anti-social Behaviour Unit of the Community Safety Team after initial local office investigation.

9. ROLES AND REMITS

The Community Housing Teams, Investigations Officers and specified officers of Registered Social Landlords are all involved in the investigations process.

Initial investigations in all cases which involve an Angus Council tenant will be undertaken by the Community Housing Team. This includes dispersed and homeless accommodation, where ASB may be reported by a Tenancy Support Officer, but should be investigated by the CHT. Likewise, initial investigations in all cases which involve a tenant of a Registered Social Landlord will be undertaken by their Housing Team.

Cases involving solely owner occupiers and private tenants will be undertaken by the Investigations Officers of the Community Safety Team.

The CST will provide guidance, support and assistance to any complex, demanding or high tariff case of anti-social behaviour as required.

The Anti-social Behaviour Enforcement Team are an out of hours service which operate:

- 20:00 to 02:00 – Sunday to Thursday
- 20:00 to 03:00 – Friday and Saturday

The service acts on referrals through the Tayside Police control room. Problems can also be self referred by clients (usually those who have had previous contact with the service) or through Housing or other agency staff.

The Community Safety Team require to have an overview of all cases of anti-social behaviour in Angus for both reporting needs and to be able to provide specialist support in all ASB investigations.

10. NON-STATUTORY REMEDIES FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR

a. WARNING LETTERS

During initial investigations (by whatever agency) a series of warning letters are sent to the complainer regarding their behaviour, giving the alleged offender the opportunity to amend their behaviour.

b. ACCEPTABLE BEHAVIOUR AGREEMENTS (ABA'S)

These are for use as an early intervention method to make clear that certain behaviour is not acceptable.

An ABA is a signed voluntary written agreement, between an individual (child or adult) involved in antisocial behaviour and ourselves (Angus Council Housing Division) or other relevant agencies working to prevent antisocial behaviour, for example, Police, Education, Social Work and Health.

The agreement sets out the behaviour that the person has agreed to stop, for example, playing loud music, having noisy parties, verbal abuse towards another, playing games in restricted areas etc.

In the case of a child, the use of an ABA should be considered on an inter-agency basis to ensure that the agreement is reasonable and complements interventions currently in place or being considered by other agencies. A parent/guardian must be present at the time the agreement is made and is also required to sign the contract.

It may also set out the support the individuals can expect to receive in order to change their behaviour. This is particularly relevant where the individual is a child.

In the case of an adult the agreement should specify that legal action may follow as a consequence of a breach of its terms. In respect of a child it should be made clear what the likely consequences of non-compliance may be, and this may include in the case of a council tenant, consideration of property repossession proceedings against the child's parent/guardian. This can be a strong deterrent when the individual or family know that if they break the contract, legal action may follow.

Further, breach of, or refusal to enter a contract, without reasonable excuse, can be considered relevant evidence when applying for an ASBO or Parenting Order. Details of parenting orders are at section 11h.

c. UBNs

If an offender refuses to agree to sign an ABA, then an Unacceptable Behaviour Notice (UBN) can be issued.

d. COMMUNITY MEDIATION

Community Mediation is another tool for resolving complaints of anti-social behaviour at an early stage. Angus has an independent mediation service, namely Angus Community Mediation, administered by SACRO.

Community mediation in Angus is a free, cross-tenure tool. Referrals can be made by all partner agencies and members of the public can self refer to the service.

11. LEGAL REMEDIES FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR

There are a number of legal remedies available that can be used to attempt to resolve anti-social behaviour. The Community Safety Team Solicitor will be responsible for raising any court based legal action re anti-social behaviour. The Night Noise Nuisance Team can issue legal fixed penalty notices for noise nuisance.

a. FIXED PENALTY NOTICES (FPN)

The Anti-social Behaviour Enforcement Team can offer a person who is committing, or has just committed an ASB noise offence the option of discharging liability to conviction by payment of a Fixed Penalty Notice (FPN)

b. NOTICE OF PROCEEDINGS (NOP)

- The Council may raise proceedings by serving an NOP on the tenant for recovery of possession of a house where there is a breach of the tenancy conditions. When dealing with a complaint of anti-social behaviour where the subject of the complaint is a Council Tenant, a NOP is the first stage of legal action that can be considered to address this breach of tenancy conditions.
- Prior to issuing an NOP the tenant's rent account must be checked as all breaches of tenancy should be included on the one NOP.
- The Investigations Officer will monitor the behaviour/complaints. If disturbances continue subsequent to service of the NOP then consideration will be given to initiating repossession action. An NOP must be acted upon within six months of serving.

c. REPOSSESSION ACTION (EVICTION)

This will be considered if further substantiated complaints of anti-social behaviour are made within six months of the serving of the Notice. This will ultimately result in the Council applying to the Sheriff for an order for repossession of the alleged offender's home.

d. ANTI-SOCIAL BEHAVIOUR ORDERS (ASBOS)

- An Anti-social Behaviour Order (ASBO) is a civil preventative measure which is intended to tackle both behaviour which is likely to escalate to criminal levels and patterns of behaviour which cumulatively cause considerable alarm or distress to the community. It is not suitable for single acts which are subject to criminal proceedings.
- An ASBO should be considered as a 'Last Resort'.
- An ASBO is a court order granted against a named individual, over the age of 12 which can impose restrictions to prevent anti-social behaviour from recurring.
- An ASBO can have a timescale attached to it from 6 months to indefinitely and can be to prevent further anti-social behaviour at the locus of an incident or Angus wide.
- Breach of an ASBO is a criminal offence and will be dealt with by the Police who will, in cases where there is sufficient evidence, report the matter to the Procurator Fiscal for consideration of criminal proceedings.
- Only a Local Authority or Registered Social Landlord can apply for an ASBO.
- Any individual or any public or private body can apply to the Local Authority for an ASBO to be raised. There is no obligation on the local authority to make an application for an ASBO and each case will be considered on its own merits.
- An ASBO will not remove someone from their home. It is designed to prevent acts of anti-social behaviour and protect victims from further unreasonable disturbance or nuisance.
- If an ASBO is granted against a Council or RSL tenant, then the subject's tenancy can be converted to a Short Scottish Secure Tenancy.

e. CONSIDERATIONS PRIOR TO ASBO APPLICATION

The anti-social behaviour requires to be conduct that has caused, or is likely to cause, alarm or distress to one or more persons not of the same household.

The anti-social behaviour must have occurred on at least two occasions.

The behaviour has to be serious enough to warrant application – the aim of an ASBO is to protect the community from further acts of anti-social behaviour. ASBOs are not restricted to Housing issues and can be used to address anti-social behaviour wherever it occurs in Angus.

ASBOs can not be taken out against:-

- A person who lives in the same household as the complainer.
- A person who has a diagnosed mental illness whose behaviour may be involuntary.

Prior to applying for an ASBO the Community Safety Team will require to be satisfied that all other appropriate measures have been attempted or considered where practicable. If a measure has been considered but is not deemed practicable, then this must be demonstrated. These measures should include:-

- Negotiation – between the complainer and alleged offender.
- Mediation – either formal or informal
- Acceptable Behaviour Agreements (ABAs)
- Sufficient warnings have been given and recorded.
- Liaison with other agencies.

An ASBO will not be considered where no other measures have been considered or attempted.

f. INTERIM ANTI-SOCIAL BEHAVIOUR ORDERS

An Interim Anti-social Behaviour Order has the same effect as a full Anti-Social Behaviour Order but can be granted by the Court prior to the hearing for a full ASBO.

g. ANTI-SOCIAL BEHAVIOUR ORDERS FOR PERSONS UNDER 16 YEARS

The Anti-social Behaviour etc. (Scotland) Act 2004 introduced the provisions for application for ASBOs for 12-15 year olds. However the process for obtaining an ASBO for a 12-15 year old requires to follow a different process than that for adults.

The guidance referred to states that the use of ASBOs for 12-15 year olds should complement the children's hearing system and the decision of whether to apply for an ASBO should be based on a multi-agency approach. In Angus, the Young Persons ASBO Liaison Group, which comprises of representatives of the key agencies involved, will provide for the decision making process.

h. PARENTING ORDERS

A parenting order can be considered for the parents or guardians of a young person under the age of 16 who is engaging in serious anti-social behaviour and who have previously refused to engage with agencies designed to support them on a voluntary basis. A parenting order is laid down by the court and is designed to provide the support a parent needs to change their behaviour and can differ in the respect of each person it is applied to. The order can last up to 12 months and the parents must comply with the requirements of the order during this period.

Details of how ASBOs for under 16s are progressed in Angus and more information on the implementation of parenting orders are detailed in the document **Policy for the Implementation of Parenting Orders and Anti-social Behaviour Orders (ASBO's) 12-15 years within Angus Youth Justice Forum, March 2006.**

12. MONITORING OF PERFORMANCE TARGETS AND STANDARDS

Performance in tackling anti-social behaviour within Angus is co-ordinated by Angus Community Safety Partnership, which comprises of representatives from departments of Angus Council, Tayside Police, Tayside Fire and Rescue and local Registered Social Landlords and is measured by annual targets and standards set to be achieved by delivery of an Outcome Agreement.

The agreement is divided into 5 core indicators, namely -

- Disregard for community or personal well-being;
- Acts directed at people;
- Environmental damage;
- Misuse of public space; and
- Agencies performance in tackling anti-social behaviour;

with a total of 105 measurable outputs and 16 measurable outcomes, calculated by percentage improvement, reduction in amount of, or increase in amount of.

Baseline figures for the outputs and outcomes were set in 2004/05. Indicators were created on the Angus Council Corporate Performance Management System to allow performance monitoring and reporting by the Community Safety Team.

A Community Intelligence Analyst has been employed to identify and examine causes of persistent or serious community anti-social behaviour problems and provide recommendations to address service delivery gaps to resolve these issues.

Problem profiles compiled by the Analyst are discussed at fortnightly multi-agency progress meetings to allocate and update actions by partner agencies to ensure that resources are being effectively targeted.

Performance reports accompanied by an analyst community impact assessment document are submitted quarterly to Angus Community Safety

Partnership to allow effective monitoring of progress towards achieving outcome agreement targets and standards.

Annual outcome agreement performance reports are submitted to the Scottish Executive, Angus Council and other partners. This is also made available to the public.

2006/07 outcome agreement performance report showed that 99.1% of output targets and 89% of outcomes had been achieved. This was a 10.7% improvement on output targets from 2005/06 and 4.8% on outcome targets.

13. COMMUNICATIONS

Through close working with the local communities and the media it is hoped to:

- Raise public awareness of anti-social behaviour, and to encourage people to report incidences in their communities.
- Inform the public of initiatives to tackle anti-social behaviour and publicise our successes.
- Promote responsible behaviour and respect within the communities in Angus.

14. DATA PROTECTION

The Data Protection Act 1998 and Angus Council's "Access to Information Policy" will be followed at all times.

Any information provided may be shared with other agencies where it is necessary or expedient for the purposes of the Antisocial Behaviour etc (Scotland) Act 2004 or any other enactment in connection with anti-social behaviour or its effects, or otherwise as provided by law

15. CONSULTATION

Any changes to this policy will be preceded by consultation with:

- Relevant members of Council staff
- Tenants of the council through established Housing Division consultation processes
- Any external bodies as appropriate
- Elected members through the Council's political structures.

16. EQUAL OPPORTUNITIES

Angus Council will strive to encourage equal opportunities and diversity responding to the different needs and service requirements of people regardless of sex, race, colour, disability, age, creed, marital status, ethnic origin, language, religious beliefs, sexual orientation or gender re-assessment.

17. RELATED DOCUMENTS

- **Angus Anti-social Behaviour Strategy**
Angus Community Safety Partnership, 2005

- **Policy for the Implementation of Parenting Orders and Anti-social Behaviour Orders (ASBO's) 12-15 years within**
Angus Youth Justice Forum, March 2006
- **Anti-social Behaviour Protocol (between RSLs and Angus Council)**
Angus Council, August 2007
- **Information Sharing Protocol (between Angus Council & Tayside Police)**
Angus Council, 2006