



Appendices

Appendix 1

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

STATEMENT OF POLICY ON ANTI-SOCIAL BEHAVIOUR

1. INTRODUCTION

The Anti-Social Behaviour Act 2003, amending the Housing Act 1996, requires the Council to publish a statement of its policies and procedures with regard to anti-social behaviour. The following document fulfils this legal requirement, and is designed to give a clear statement of our approach to anti-social behaviour and the way that it intends to work, together with bcal residents and other organisations, to deal with it.

This document is available for inspection at the Council Offices, and a copy will be supplied free of charge on request. A summary of this document is also available free of charge.

This document can be made available in large print, Braille, or other languages on request.

Enquiries regarding any aspect of this policy or procedure, and copies or a summary, can be obtained from our Anti-Social Behaviour Caseworker or/and our Neighbourhood Managers via the Contact Centre. All you need to do is call the following number **08450 450 051**.

2. CONTEXT

The Council recently published its fit for purpose Housing Strategy and in 2002 its Community Safety and Community Development Strategies. This statement of policies and procedures is compatible with these documents. It is also compatible with other legal requirements affecting the Council, including, amongst others:

- Children Act 1989
- Homelessness Act 2002
- Disability Discrimination Act 1995
- Local Government Act 2000
- Data Protection Act 1998
- Human Rights Act 1998
- Race Relations Act 1976 (as amended in 2002)

The Council's corporate objectives are:

- **High Quality, Accessible, Value For Money Services:** The Council will work to ensure that it provides the services that people expect, delivered in a way that is convenient and relevant to their needs.
- **Quality Village Life:** The village is the cornerstone of life in South Cambridgeshire. The Council aims to help achieve quality of life through a quality environment and sense of community – both important in a period of change.
- **A Sustainable Future for South Cambridgeshire:** One of the fundamental aims of the Council is to hand over to the next generation a South Cambridgeshire which is in good shape for the future.

- **A Better Future through Partnership:** The Council aims to be seen a full participant in the Local Strategic Partnership, working with a range of organisations to set and achieve a vision for a better future, through the Community Strategy.

3. DEFINITIONS

Anti-Social Behaviour is defined in the Housing Act 1996 as conduct which:

- Capable of causing nuisance or annoyance to any person AND
- Directly or indirectly affects the housing management functions of a relevant landlord OR
- Consists of using, or threatening to use, housing accommodation owned or managed by a relevant landlord, for an unlawful purpose. A “relevant landlord” could be a local authority, registered social landlord, or housing action trust.

The housing management function of the landlord covers any activity that the landlord would undertake in the day-to-day and strategic management of their properties. This would include:

- Tenant and leaseholder participation
- Maintenance and repairs
- Rent collection
- Estate management

Matters that might indirectly affect the housing management function include social care and housing support, environmental health and refuse collection and other services that enable the efficient operation of the landlord.

It is also important to note that the anti-social behaviour could affect one or many tenants of a relevant landlord, private property owners, or other people lawfully using properties or facilities in the local area.

The tenant would also be considered responsible for the behaviour of other people living in their property, and visitors.

Anti-social behaviour might include, amongst other things:

- Noise nuisance
- Intimidation or harassment
- Damaging or misusing public areas (graffiti, abandoned vehicles, fly tipping)
- Aggressive or threatening language or behaviour
- Violence against people or property
- Crimes based on discrimination (eg race, sexual orientation, religion)
- Using housing accommodation for supplying drugs, or other illegal purposes

When assessing complaints to determine whether they constitute anti-social behaviour, the Council will consider the frequency and severity of incidents, their effect on the victim, and other contributory factors such as the construction of the building. The intentions of the person carrying out the behaviour will also be taken into account, as well as any disability they may have.

Serious anti-social behaviour will not be tolerated. This includes:

- Threats of, or actual violence against persons
- Drug dealing
- Intimidation or harassment on grounds of race, sexual orientation, religious belief or disability
- Criminal activity

Other types of activity that are considered unacceptable include:

- Loud and frequent parties
- Regular and loud noise, particularly but not exclusively, late at night (including music, shouting and swearing, and noise from televisions, and radios).
- Regular and frequent noise from vehicles late at night or early in the morning (for example excessive revving of engines, horns etc.)
- Damage to property and vandalism.

Not all complaints received constitute anti-social behaviour and in these cases the Council may suggest other remedies, such as mediation. Examples of behaviour that would not normally be considered to be anti-social include:

- Children's play
- Occasional parties/noise/disturbance
- Normal domestic activities

This list is not intended to be comprehensive, merely to act as a guide.

4. OUR APPROACH TO ANTI-SOCIAL BEHAVIOUR

The Council, as a landlord and as a local authority, will take action to minimise anti-social behaviour. Its response to anti-social behaviour will be proportionate depending on the factors listed in the section above. Its intention is to deal firmly but fairly with anti-social behaviour, to deter such behaviour and to encourage others to come forward as witnesses.

The Council's normal approach is to ensure that troublesome families or individuals receive support to assist them in modifying their behaviour, and then to act against those families or individuals who continue to cause a nuisance.

The Council work closely with the Police through our Community Safety Partnership, which considers serious cases of anti-social behaviour and determines what action will be taken. The partnership include, Neighbourhood Managers, the Anti-Social Behaviour Caseworker together with representatives from the Police and other relevant agencies/organisations.

Where appropriate, the action the Council take could result in tenants losing their security of tenure, their home, or being subject to an injunction which might lead to their arrest or even imprisonment. However, in many cases such action will not be appropriate, and other measures will be considered.

The Council also prevent and reduce anti-social behaviour by such measures as:

- Lighting improvements
- Swift removal of abandoned vehicles, fly tipping and graffiti
- Improving leisure facilities and access to them, particularly for young people
- Inclusion of clauses relating to anti-social behaviour in our tenancy conditions
- Enforcement of tenancy conditions

The Council contribute to the safety of the wider community, together with the Police, Cambridgeshire County Council, the Health Primary Care Trust and the Probation Service, through the Community Safety Partnership.

The South Cambridgeshire Community Safety Strategy sets out in detail the measures taken by the Partnership to reduce crime and anti-social behaviour. A copy of the complete Strategy is available on request from Customer Services on **08450 450 500** or you can access it via the Council website at: www.scamb.gov.uk

5. TENANTS' OBLIGATIONS

The Council's housing tenancies are subject to Conditions of Tenancy. All tenants are provided with a copy of these at the outset of their tenancies and the most important clauses relating to anti-social behaviour are explained to them.

The Conditions of Tenancy are available on the Council's website www.scamb.gov.uk and can also be obtained by contacting Customer Services on **08450 450 500**.

6. SUPPORT FOR COMPLAINANTS

- The Council will support complainants by:
- Dealing with their complaint promptly.
- Keeping them informed of any developments relating to their complaint.
- Referring them to support services where appropriate.
- Providing interpreters on request for people who do not speak, or only speak limited English.
- Providing interpreters on request for people who are hearing impaired.

7. RACIAL HARRASSMENT

The Council will not tolerate racial harassment by or against our tenants, and will work with the Police and other agencies to use existing legal remedies against anybody found to be racially harassing others. If the victim of harassment considers it to be racially motivated, it will be investigated as such.

There are specific powers in the Conditions of Tenancy to deal with racial harassment by our tenants. Where harassment can be proved to the satisfaction of the County Court then a possession order will be obtained, which could lead to the tenant being evicted, either straight away or if harassment re-occurs.

Details of the legislation and other Council policies relating to racial harassment are included in appendix two at the end of this document.

8. DOMESTIC VIOLENCE

The Council will not tolerate domestic violence by our tenants against their partners or others who live with them. It will work with the Police and other agencies to use existing legal remedies against any tenant using domestic violence.

Victims of domestic violence will be supported and, where appropriate, encouraged to use restraining orders and injunctions to prevent domestic violence or to remove the violent person from the household. Additional security measures may also be installed in conjunction with civil remedies. Where the safety of the tenant cannot be ensured, temporary accommodation or alternative permanent housing may be provided.

Where a tenant has been violent and this has meant that other members of his/her family have had to be permanently re-housed, and the Council can prove this to the satisfaction of the County Court, a possession order will be obtained which could lead to the tenant being evicted, either straight away or if harassment or violence re-occurs.

Please see the Council's Domestic Violence Policy for further guidance which can be obtained from Customer Services or from the Council's own website at: www.scamb.gov.uk .

9. PREVENTING ANTI-SOCIAL BEHAVIOUR

The Council aim to prevent anti-social behaviour. To achieve this it will:

- Support the South Cambridgeshire Community Mediation Service
- Participate in the Community Safety Partnership as described above in section 4
- Work closely with the Police and other agencies as described above in section 4
- Subscribe to the Cambridgeshire Information Sharing Protocol as explained in sections 12 of this document
- Carry out improvements to our housing stock to prevent anti-social behaviour and criminal activity
- Provide floating support to vulnerable tenants to assist them in living independently and complying with their conditions of tenancy
- Take prompt action to deal with abandoned vehicles, fly tipping and graffiti
- Publicise our policies and procedures and successful actions through our web site, Key Issues (our tenant magazine) and other media as appropriate.

The Council will continue to research best practice in dealing with anti-social behaviour and to implement new measures where appropriate.

10. REHABILITATION OF OFFENDERS

The Council also aim to prevent anti-social behaviour from re-occurring. Each case will be investigated to see how this can best be achieved . It will work with the tenant or family causing the nuisance to ensure they receive all the advice or support that they need to deal with their difficulties. If this does not make a difference, or if they are failing to co-operate with the individual or agency concerned, then further action will be considered as appropriate.

Preventative measures will include the following as appropriate:

Non-legal remedies

- Agreement to end nuisance
- Agreement to remove items by a set date
- Mediation of disputes between families by independent Community Mediation Service
- Acceptable Behaviour Contracts for children
- Parental Control Agreements
- Agreements negotiated with other agencies such as Mental Health Services or Social Services

Legal remedies:

- Anti-Social Behaviour Order
- Noise Abatement Notice
- Service of Notice Seeking Possession
- Injunction to stop a particular activity
- Injunction to carry out particular work
- Possession proceedings in County Court
- Prosecution by Council or Police

These remedies will be used, where appropriate, in consultation with relevant agencies. This will include the Police, Environmental Health Officers, the Anti-Social Behaviour Caseworker, Social Services or Community Mental Health Team, if appropriate.

Either the Council or the Police can apply for an Anti-Social Behaviour Order but applications are normally made jointly.

11. SUPPORT FOR WITNESSES

For any legal action to succeed, witnesses are usually required to say what they have seen. It is best if these are neighbours who have directly been affected by the anti-social behaviour. People may often be unwilling to do this for fear of intimidation if they go to Court.

In the most serious cases, the Council will consider moving witnesses to another area. In other cases, witness support can be offered by the County Court to minimise the amount of time witnesses have to spend face-to-face with the perpetrator of the nuisance.

In some cases our officers may be able to give statements to the Court on behalf of witnesses, without revealing their name and address details. Alternatively, where the Council officers have witnessed the nuisance for themselves they can also give personal evidence to the Court. In the most serious cases, professional witnesses will be considered.

12. MULTI-AGENCY PARTNERSHIPS

Neighbourhood Managers and the Anti-Social Behaviour Caseworker attend a number of multi-agency meetings that deal with anti-social behaviour issues, the most important being the Anti-Social Behaviour Task Group

Agencies that have signed the Cambridgeshire Information Sharing Protocol may exchange personal information at these meetings where it would assist in:

- Preventing or detecting crime
- Preventing disorder
- Protecting public safety
- Protecting the rights and freedoms of others

Any authority giving information should assess whether the sharing of personal information is justified by and proportionate to the risks involved to others. Consideration must also be given to the Data Protection Act and Human Rights Act, as detailed elsewhere.

13. CONFIDENTIALITY

Any information given to the Council will be treated in confidence. It will not be passed to the person who is named in the information without the permission of the person who gave the information. As described above, information may be shared with other signatories to the Cambridgeshire Information Sharing Protocol if this is authorised under the Crime and Disorder Act.

Many people give information anonymously. While the Council will investigate this information as far as it is able to do, it is not particularly helpful. This is because it cannot advise the informant of the outcome of our investigations, nor can it check any facts or responses from the perpetrator with them.

14. STAFF TRAINING

The Council are committed to training our staff and will ensure that all staff dealing with anti-social behaviour are aware of this policy and procedure and their contents. Refresher training, and updates where legislation changes, will also be provided. Where its response to any incident shows the need for further staff training, this will also be provided.



Appendix 2

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

STATEMENT OF PROCEDURES ON ANTI-SOCIAL BEHAVIOUR

1. DEALING WITH COMPLAINTS

- All complaints will be properly investigated.
- The complainant will be kept informed of progress and the final outcome of the investigation.
- Reasons why action cannot be taken will be given in writing.
- Early action by appropriate intervention will help to prevent escalation and display our commitment to deal with nuisance and ASB.
- Mediation will be promoted in all appropriate cases.
- Customer care will be at the centre of our approach in recognising the stresses that affect those suffering from nuisance behaviour.

Complainants will be offered support by being listened to, being kept informed, and being assured that their concerns are being acted upon in the most appropriate way.

1.1 Role of Customer Services Staff and Contact Centre Agents

- The first point of contact for the complainant will usually be by telephone via the contact centre agents, or in some cases, complaints will be received by telephone or in person by Customer Services staff, who will explain to the complainant that all complaints are taken seriously and properly investigated.
- The contact centre agent/customer services staff will explain that an email will be sent to the neighbourhood manager via the Customer Services staff of the duty housing team, who will ensure that the details are forwarded to the relevant person.
- In all cases, the contact centre agent/customer services staff will take the complainants name, address, telephone number and any other contact details, and include a brief description of the location and type of nuisance or ASB being complained about.
- The contact centre agent/customer services staff will explain to the complainant that the neighbourhood manager will contact them within two working days to make an appointment to discuss the complaint in further detail.
- The member of the duty housing team of Customer Services, will forward the email to the relevant neighbourhood manager, having checked that the neighbourhood manager is available to respond to the complaint within the next two working days. If the neighbourhood manager is on leave, the email will be forwarded to the housing manager, who will assign the case to another member of the neighbourhood management team.
- For complaints received via the Shire Homes duty email system, duty housing will acknowledge receipt of the email and advise the complainant that contact will be made within two working days to make an appointment to obtain further details.
- When a complaint is received in writing, the neighbourhood manager will contact the complainant by telephone within two working days to make an appointment to obtain further details.

1.2 Complaint Appointment

- The neighbourhood manager will contact the complainant within two working days to make an appointment to interview the complainant. The complainant will be offered a venue for this appointment, which is convenient to them: home visit, private office appointment at Cambourne, the Cambridge office, or local housing surgery, or at a sheltered housing

communal room. The appointment will be at a date and time convenient to the complainant, depending on the seriousness of the ASB being complained about, and taking into account the availability of the neighbourhood manager. In all cases the complaint appointment should take place within 10 working days.

- When making the complaint appointment, the neighbourhood manager will note the following details:
 - Name and address of complainant
 - Name and address of perpetrator (if known)
 - Brief details of complaint
 - Whether the police were contacted, and if so, the Police Officer name and number, and incident/crime number (if known)
 - Appointment details
 - The complainant will be advised that all details will remain confidential
 - Letter confirming the complaint appointment will be sent

2 INVESTIGATION

- The neighbourhood manager will use the complaint appointment to establish the nature of the complaint and to agree the appropriate agreed course of action.
- Neighbourhood managers will be responsible for managing their own caseload with support from the housing manager where necessary and appropriate.
- At the complaint appointment, the neighbourhood manager will complete the complaint registration form which will record:
 - The complainants name and address
 - The perpetrators name and address
 - The type of complaint
 - Action agreed: e.g. perpetrator interview; interview other witnesses; estate letter; referral to mediation etc
 - Agreed timescales
- The complainant will be advised that none of the details given will be disclosed without their permission.
- The complainant will be advised that except in serious cases when there is no other option than to consider enforcement action, the Council will always seek to resolve complaints with the co-operation of those involved.
- The complainant will be advised that action can only be taken where there is a clear case of nuisance or anti-social behaviour, and that in certain circumstances, the ability to take action is limited, and that in such cases, the appropriate advice will be offered.
- The neighbourhood manager will emphasise that the aim is to resolve matters and bring nuisance or ASB to an end, and that enforcement action will only be taken after all other potential remedies have been explored.
- Mediation by Cambridge Mediation Service, a professional organisation, offering a free service to the parties, will be strongly recommended and encouraged in all appropriate cases.
- If the complainant is asked to keep a record of events, incident diary sheets and guidance notes will be provided at the complaint interview.
- The complainant will be advised that in all but the most difficult cases, the Council will seek to resolve issues within 28 days. **See 3.5 for guidance on complainant interviews regarding serious cases.**
- The complaint registration form will be passed to the housing manager to be assigned a case reference number, and entered onto the ASB database.
- The complainant will be sent standard letter confirming the details and type of the complaint, and the agreed actions and timescales.

2.1 Incident Diary Sheets

- Incident diary sheets are essential to ensure that the case is diagnosed correctly, and to ensure that the appropriate action is taken.
- Complainants should be given advice on completing the diary sheets with reference to the guidance notes.

2.2 Estate Letters

- Estate letters, are sent to all residents in a particular area, including to the alleged perpetrator following a complaint, encouraging other witnesses to come forward and to gather corroborative evidence. They can also be useful, in helping decide if a case is as severe as the principal complaint has alleged.

2.3 The role of the Anti-Social Behaviour Caseworker (ASB caseworker)

The ASB Caseworker will take on complaints of ASB from a number of sources in the following ways:

- The neighbourhood manager can seek advice from the ASB caseworker when a case presents unusual features, or may be sensitive or difficult to progress, without this being a case referral.
- When initial actions agreed with the complainant have failed to resolve a case, or if the case is one involving violence, threats of violence, or other urgent circumstances the case should be referred to the ASB caseworker for additional input. The case referral form will be completed and signed by the housing manager, and all relevant documents set out in the checklist will be enclosed.
- The ASB caseworker, together with the neighbourhood manager and housing manager, will consider whether the case is to be referred to the legal department for enforcement action, when attempts to resolve the case have failed, or if the case is serious and requires urgent action.
- Certain cases may be brought to the attention of the Local Authority as landlord, by other means than by complaints received by members of the community, as shared intelligence may highlight cases of ASB which can lead to enforcement action e.g. drugs cases leading to possession.

Cases can also be taken for discussion to the ASB task group.

The ASB Task Group is a monthly meeting lead by the Council and attended by various agencies including Police, Youth workers, Youth Offending service, Housing officers, Social workers, Education welfare, each of these agencies are signed up to the information sharing protocol, which means individual cases can be discussed in confidence and that it is proportionate and justifiable.

Police, Youth workers, Youth Offending service, Housing officers, Social workers, Education welfare, each of these agencies are signed up to the information sharing protocol, which means individual cases can be discussed in confidence and that it is proportionate and justifiable. The group will look at referrals of serious ASB and may convene separate smaller meetings (problem solving groups) to look at specific cases in more depth. The group will work together in taking appropriate action to change the behaviour of the perpetrator/s. Enforcement as well as preventative action will be looked at in each case.

If the complaint comes directly from a member of public or an external agency the ASB Caseworker will contact them back within two working days. A decision will be made as to how the complaint will be dealt with and whether it needs to be referred to another agency (i.e. Shire Homes) The complainant will be contacted within ten working days to be informed as to how the complaint is being progressed and a timescale will be given as to what action if any can be taken.

Please note that some cases will be publicised after the fact, to demonstrate to our communities that the Council, as landlord, is committed to dealing effectively with cases of ASB within all its villages.

2.4 Problem Solving Group

A range of services can and will be provided to complainants and/or victims of ASB, these may range from support groups, mediation service, victim support. The lead officer in an ASB case will be the person in the Council responsible for dealing with the case in hand. He/She will ensure that witnesses and/or complainants are protected and providing support at all stages of the process.

Support can and will also be given to the perpetrator and or their family if there is a need, and the Council acknowledge that solutions to ASB cannot lie solely with one agency, a fully co-ordinated approach is essential if ASB is to be tackled effectively. It will work closely with:

- housing organisations,
- social services,
- education authorities and
- youth services

2.5 Multi-Agency Working Arrangements

- Officers are encouraged to develop working relationships with the local community police teams, and are encouraged to share information with regard to legislative restrictions.
- In certain cases, perpetrator interviews will be undertaken jointly with the police.
- The police will be involved in consideration of Acceptable Behaviour Contracts and Anti-Social Behaviour Orders under the Crime and Disorder Act 1998. Before consideration of application for an ASBO, there must be consultation between the Police and the Local Authority. Close partnership arrangements will ensure early recognition of appropriate cases.
- Prolific and other Priority Offender (PPO) Group. The Prolific and other Priority Offender (PPO) Strategy is a single, coherent initiative in three complementary strands to reduce crime by targeting those who offend most or otherwise cause most harm to their communities. The three strands are Prevent & Deter, Catch & Convict and Rehabilitate & Resettle.
- Where necessary, liaison will take place with Social Services, Education, Mental Health Teams and the Youth Service, to bring about a resolution to cases that require input from the various agencies.

2.6 Closing Cases

- All cases will be closed after 28 days unless there is good reason not to do so, i.e. the case has been referred to the Problem Solving Group/ASB Task Group; there is a criminal case pending court and conviction is relevant as grounds for possession; the case involves drugs activity and the outcome of a Police operation is awaited.
- When all actions have been completed as agreed with the complainant, closing letters will be issued to all parties.
- A case will be closed when the complaints are regarding conduct which is reasonable and associated with family life e.g. children playing games. In such cases, consideration can be given to establishing a residents group, with support from the tenant participation officer and neighbourhood manager, with a view to establishing locally acceptable standards of behaviour.
- There can be a difficulty when a complainant continues to raise issues, which do not amount to a breach of tenancy or nuisance. Provided that all steps have been taken to obtain corroborative evidence, e.g. estate letters, noise monitoring equipment etc, the complainant will be advised that the housing department has no further role as landlord in resolving the dispute, other than by mediation referral or offering appropriate advice i.e. that the complainant should consider taking their own independent legal advice. In such cases, the housing manager will write to the complainant, to show that there has been an investigation of the issues, explaining the reasons why no further action can be taken and suggesting alternative means to resolve the matter.
- If the complainant is dissatisfied with the closure of the case, he/she should be invited to make a complaint via the Council's complaints procedure, for an independent review of the case to be carried out by Chief Officers.

- If the complainant continues to express dissatisfaction with the way in which the complaint has been dealt with, he/she should be given details of how to complain to the local government ombudsman.
- If, after formal closure, a case is re-reported, this will become a new case.

2.7 Administration

- Cases will be monitored by the housing manager and the ASB caseworker, who will maintain the ASB database (spreadsheet) on the housing and community shared drive.
- The ASB database will be used to monitor performance in accordance with prescribed timescales, and to monitor types of ASB and nuisance.
- Upon case closure, the documentation will be scanned into ANITE and placed on the complainant and perpetrator property files. Original documents will be retained by the housing manager.
- The following Performance Monitoring data will be collected:
 - Response to initial complaint within 2 working days
 - Complaint interview within 10 working days
 - Closure of case within 28 days
 - Cases referred to ASB Caseworker
 - Cases referred to legal department
 - Cases with ongoing legal action

2.8 Cross Tenure Cases

- Where a complaint is received from a council tenant regarding owner-occupiers, private tenants or tenants of another social landlord, such cases will be dealt with by the ASB caseworker, with liaison with the neighbourhood manager in obtaining incident diary sheets etc.

3.0 DEALING WITH DIFFERENT TYPES OF CASES

3.1 Definition of Anti-Social Behaviour

Anti-Social Behaviour is defined by sections **153A(1)** and **153B(2)** of the Housing Act 1996 and is outlined in the Policy Section of this document.

3.2 Tenancy Agreement

Complaints of anti-social behaviour will be considered with regard to the terms of the tenancy agreement which state:

- 1. *You are responsible*** for the behaviour of every person (including children) living in or visiting your home. You are responsible for them in your home, on surrounding land, in communal areas (stairs, landings, entrance halls, shared gardens, amenity and parking areas) and in the neighbourhood around your home.
- 2. *You, and they, must not*** cause a nuisance, annoyance or disturbance to any other person. Examples of nuisance, annoyance or disturbance include:
 - a. Loud music; arguing an door slamming; dog barking and fouling; offensive drunkenness; selling drugs or drug abuse; rubbish dumping; playing ball games close to someone else's home.*
- 3. *You, and they, must not*** harass any other person. Examples of harassment include:
 - *Racist behaviour or language; using or threatening to use violence; using abusive or insulting words or behaviour; damaging or threatening to damage another person's home or possessions; writing threatening, abusive or insulting graffiti; doing anything that interferes with the peace, comfort or convenience of other people.*

4. **You, and they, must not** use your home or any communal area for any illegal activity such as selling drugs.
5. **You, and they, must not** damage, deface or put graffiti on Council property including trees and other plants in communal areas. You would have to pay for any repair or replacement.
6. **You must not** inflict violence or threaten violence against any other person (they could be living with you or in another Council home). You must not harass or use mental, emotional or sexual abuse to make anyone who lives with you leave the home.
7. **You may** keep a reasonable number of domestic pets but you must not keep any animal that the Council decides is unsuitable for your home. If you are in any doubt at all ask at the Housing Office. Your pet or pets must not annoy or frighten other people.
8. **You must** co-operate with the Council and your neighbours to keep any communal areas clean, tidy and clear of obstruction.

3.3 Children/Ball Games

- Key Issues are:
 - Children must be able to play safely in sight of carers.
 - A certain amount of disturbance to neighbours is inevitable, and is a consequence of family life in family accommodation.
 - Unless there is a significant and unreasonable nuisance beyond that of children playing, there is no role for the Council as landlord.
 - In such cases, consideration can be given to establishing a residents group, with support from the tenant participation officer and neighbourhood manager, with a view to establishing locally acceptable standards of behaviour, pointing out examples of success in this type of case.
 - In dealing with persistent complaints regarding this issue, consideration will be given as to whether possession/injunction action is appropriate.
 - Mediation should be strongly suggested, pointing out that there is a significant success rate in dealing with this type of situation.
 - If Mediation or other methods are rejected, housing manager will issue closing letter.
- If the features of the case indicate that intervention is necessary because of a clear breach of tenancy, the neighbourhood manager should always seek corroboration of evidence of the allegations where there is a single complainant, by sending an estate letter.
- Where it appears there is a breach of tenancy, the case should be referred to the ASB caseworker, for liaison with education, social services, or youth services.
- In cases of serious incidents involving children, the case should be referred to the Problem Solving Group, who will consider appropriate action from the following range of options:
 - Joint police interviews
 - Acceptable Behaviour Contracts
 - Application for ASBO
 - Parenting contract/order
 - Consideration of tenancy enforcement action, only after other action has been taken and failed.

3.4 Nuisance/Harassment/ASB by adults/youths

The tenancy agreement is intended to deal with the behaviour of a tenant or group of tenants towards another. Early intervention is necessary to prevent escalation. The following points should be considered:

- Indications of vulnerability or social needs
- Indications of mental health or behavioural issues

- Whether the problem is between two individuals or more broadly based
- Involvement of the appropriate agencies, with particularly reference to obtaining information from the Police, which may help to clarify the issues.
- Mediation should be offered to the parties, except where there is clear evidence of violence, threats or deliberate damage.
- Cases are often complex in nature, with no given solution. Each individual case must be given careful consideration, taking into account the local knowledge of the neighbourhood manager and other agencies, in assessing the best means of bringing about a resolution.

3.5 Complainant interviews

- Complainant interviews for ASB of this nature will usually be undertaken jointly by the housing manager and neighbourhood manager, who will:
 - Establish that the role of the landlord is to fully investigate the facts of the case, before committing to which course of action will be taken, and that the role of the officer is not to take sides, but to listen impartially to the complaints made, and never pre-judge the case.
 - Explain that it will be necessary for the complainant to keep incident diary sheets, and that these are essential if legal action proves necessary.
 - Establish whether the complainant is willing to appear in court as a witness, and explain the support available for witnesses during the court proceedings. If the complainant is unwilling to be a witness, it must be explained that the action that can be taken may be limited, though other means of collecting evidence, and obtaining witnesses/witness statements will be explored.
 - Explain that to resolve the issue, the Council will need to speak to the perpetrator, and that in so doing their identity may become obvious, although it will not disclose details. Check that the complainant is in agreement for the perpetrator interview to take place. If the complainant is not agreement, explain that the action that can be taken is limited. Consider using an estate letter to gather additional information/potential witnesses, or ask if the complainant is aware of any other residents who have been directly affected.
 - Explain that the perpetrator will be given an opportunity to comment on the allegations made, and that the aim is to bring the ASB to an end, and that legal action will only be taken as a last resort.
 - Discuss mediation, and explain that this will be offered to the perpetrator as a means of resolving the dispute.
 - In cases where criminal conduct is an issue, ask if the complainant is willing to speak to the Police and whether the Council may contact the Police on their behalf to arrange for them to be interviewed.
- The complainant interview will be followed up with a letter outlining the basic details of their complaint, and the actions agreed, with timescales for actions and feedback.

3.6 Perpetrator interview

- An appointment will be made to interview the perpetrator, which will normally be conducted by the housing manager and/or neighbourhood manager, with attendance by the Police if necessary, where there is clear evidence of breach of tenancy/grounds for possession.
- Before the perpetrator interview the neighbourhood manager should:
 - check the tenancy file for any relevant information
 - consider police liaison
 - consider checking with social services, education, mental health team
- At the interview the housing manager/neighbourhood manager will:
 - Explain the nature of the complaints.
 - Point out the breach of tenancy and grounds for legal action, and explain the options that could be pursued: i.e. Acceptable Behaviour Contract (voluntary); Anti-Social Behaviour Order; Possession.
 - Give the perpetrator the opportunity to give their account and record their response.
 - Request co-operation to bring the nuisance to an end.
 - Suggest mediation.

- Explain that the situation will be monitored and that they will be contacted if any further complainants are received, and that consideration will be given to the appropriate course of action to deal with the behaviour.
 - After the interview, send follow up letter.
- The case should be monitored and reviewed after 28 days, if no further cause for action send closing letter to both parties.

3.7 Drugs

The policy is such that all tenants who deal in controlled drugs, or permit the premises to be used for drugs face eviction, and that drug dealing is a serious offence which normally carries with it substantial periods of imprisonment. The role of the landlord in investigating allegations of drug dealing is to gather information from complainants and make this information available to the Police, who will conduct their own investigations into the allegations.

When interviewing complainants, the neighbourhood manager and/or housing manager will take the following actions:

- Encourage the complainants to maintain incident diary sheets.
- Ask if they are in agreement that the information gathered could be made available to the Police, and whether they are prepared to speak to a Police Officer.
- Explain that the method of dealing with such cases is for the Police to take the necessary action, as once the person has been convicted, the Council can use this route to seek possession of the property without the resident having to give evidence.
- Once the information has been received, the case should always be referred to the Anti-Social Behaviour Caseworker.

3.8 Arrest for Criminal Offences

Such cases will normally be identified as a result of liaison between the Police and the Anti-Social Behaviour Caseworker, which may result in enforcement action through the tenancy agreement, if the tenant has been convicted of a relevant offence or offences under the provisions of the Housing Act 1985.

3.9 Racial Harassment

- All complainants will be thoroughly investigated.
- The wishes of the victim will be paramount.
- The initial interview, where possible, will take place within one working day.
- The evidence will be referred to the Anti-Social Behaviour Caseworker and assessed as soon as possible, involving the Police and/or other relevant agencies.
- Support will be offered to the victim, and an officer assigned to assume responsibility for maintaining contact with the victim, and agreeing any proposed actions.
- Upon completion of investigations, the case will be referred to the legal department, for consideration to be given to the appropriate action. e.g. prosecution.

3.10 Domestic Violence

The Council's considers domestic violence to be a very serious crime and has recently published its Domestic Violence policy Statements and Procedures. The Policy forms a key part of the Council's Community Safety Strategy and can be obtained by visiting the Council's website at www.scamb.gov.uk or by contacting Customer Services on **08450 450 500**.

4. The role of the Environmental Health Service

The Environmental Health Service is responsible for dealing with Statutory Nuisance. Unacceptable noise level can be a statutory nuisance. Owners and tenants of privately owned property should report nuisance that is likely to cause injury to health or seriously interferes with the peace and enjoyment of their property to the Environmental Health Service.

4.1 Nuisance Investigation

When a nuisance is reported to the Environmental Health Department, the complainant will be asked his/her name, address and telephone number. All reports are in confidence although if further investigation is required then it may become obvious to the subject, who has complained.

Anonymous complaints will be assessed but may not be investigated if there is a lack of evidence. Following a nuisance complaint the Reporter will be contacted within 3 working days to discuss the complaint and decide whether further investigations are necessary.

If the nuisance is one of noise the Reporter may be sent an explanatory letter advising of the legal situation, suggesting personal contact or mediation with the Subject and providing a noise log that the Reporter may wish to complete. The log requires 2-3 weeks of observations regarding the noise, its extent, times of day and the effect it is having on the Reporter.

On return of a log that the department feels may warrant further action, an informal letter will be sent to the Subject advising that a complaint has been made, the legal position and a contact name and number to discuss the complaint further.

If further complaints are received, the department may make further visits to the Reporter to assess the nuisance, install noise-monitoring equipment for a few days and/or visit the Subject. If sufficient evidence is obtained and the nuisance is continuing the Department can serve an Abatement notice on the Subject. Failure to comply with the notice is an offence, which can be tried in the Magistrates Court.