



Cannock Chase Council Housing Services

Anti-Social Behaviour & Hate Crime Policy

ANTI-SOCIAL BEHAVIOUR & HATE CRIME POLICY

Introduction

This Policy has been developed in line with the Anti-Social Behaviour Act 2003 and the Crime & Disorder Act 1988, which defines Anti-Social Behaviour as 'acting in an Anti-Social manner which causes or likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator'

The Policy provides guidance for Officers, tenants and leaseholders on how the Council responds to complaints about anti-social behaviour.

The Policy also outlines Cannock Chase Council's commitment to its duties in relation to the Equality Act 2010 (with regards to Anti-Social Behaviour and Hate Crime), which aims to eliminate unlawful discrimination, advance equality or opportunity and foster good relations.

Cannock Chase Council delivers a dedicated Housing Management Service in relation to dealing with incidents of Anti-Social Behaviour in Cannock Chase Council properties.

Purpose of the Policy

Part 2 of section 12 of the ASB Act 2003 requires housing providers to prepare a policy in relation to Anti-Social Behaviour and procedures for dealing with occurrences of Anti-Social Behaviour.

Policy Statement

Cannock Chase Council recognises that in order to provide an excellent housing service it must be effective in tackling the problems created by Anti-Social Behaviour.

The following approach has been adopted:-

- Every report of Anti-Social Behaviour will be investigated fully
- Investigation will start at the earliest possible time and be conducted with all reasonable speed following receipt of the complaint
- Investigations will seek to identify and interview all interested parties
- Action Plan and a risk assessment will be undertaken with all complainants
- Action against perpetrators will include but are not limited to Acceptable Behaviour Contracts, Injunctions, Anti-Social Behaviour Orders, Tenancy Demotion and Possession Proceedings
- We will provide support for Victims and Witnesses of Anti-Social Behaviour
- Our approach is one of **prevention**, diversion, enforcement and support
- Cannock Chase Council recognises the importance of partnership working and works in collaboration with key agencies through the Community Safety Partnership

- Cannock Chase Council through its actions will demonstrate that Anti-Social Behaviour will not be tolerated and this will be made clear to tenants & leaseholders and anyone who is seeking a tenancy
- Extensive procedures & training have been provided for staff when dealing with Anti-Social Behaviour, we also provide support and guidance for frontline staff and staff who manage difficult cases requiring legal actions.
- Cannock Chase Council have signed up to the Respect Standard for Housing Management

Key Policy Objectives

We will thoroughly investigate all complaints of Anti-Social Behaviour and Neighbour nuisance by:-

- Taking appropriate action against those perpetrators of nuisance and Anti-Social Behaviour whether it is being caused by them, their visitors and/or their family
- Provide as much support as possible to complainants and/or witnesses of Anti-Social Behaviour. We will also support any perpetrator of Anti-Social Behaviour who is vulnerable by referring them to specialist support agencies, recognising that it is possible to change poor behaviour to the point where it becomes acceptable.
- Recognising that prevention is better than cure, by adopting a multi-agency approach in tackling and preventing Anti-Social Behaviour, encouraging the use of our independent mediation service and promoting early intervention, we aim to resolve the majority of Anti-Social Behaviour complaints through non-legal means.
- In complying with the Respect Standard, we will closely monitor the quality of the service that we provide by setting challenging performance targets for staff as well as sending all customers involved with the Anti-Social Behaviour case a customer satisfaction feedback survey when the case is closed.
- To ensure a multi-agency partnership approach to dealing with case work and finding resolutions to Anti-Social Behaviour
- To ensure all relevant Officers are fully trained to be able to deal with complaints of Anti-Social Behaviour

4. Types of Anti-Social Behaviour by Classification and Service Standard

	Type of Nuisance reported	Remedies Available	Service Standards
CATEGORY A (SERIOUS)	<p>Harassment/intimidation; includes threats of violence</p> <p>Criminal activity; such as assault, arson or theft</p> <p>Domestic Violence</p> <p>Racially motivated incidents and Hate Crime</p> <p>Sexual Acts; such as indecent exposure or prostitution</p>	<p>Involvement of Solicitors, Police Environmental Health, Social Services, Youth Offending team and Youth Inclusion and Victim Support</p> <p>Warning letters</p> <p>Acceptable Behaviour Contracts</p> <p>Injunctions</p> <p>Anti-Social Behaviour Orders</p> <p>Demotion</p> <p>Notice of Seeking Possession</p> <p>Possession</p>	<p>1st Contact within 1 working day and agree an action plan within 1 working day</p>
CATEGORY B (PERSISTENT)	<p>Criminal damage; damage to property or vandalism (including inside flatted communal areas)</p> <p>Noise nuisance* such as loud music, shouting, domestic noise, dog barking or vehicle noise</p> <p>General nuisance; such as gangs of youths causing problems or car repairs in the street</p> <p>Drug relating problems; drug related activity such as drug dealing and syringes</p> <p>Animal related issues; such as uncontrolled aggressive dogs</p>	<p>Offer advice and support</p> <p>Interview both parties</p> <p>Offer Mediation (only when appropriate)</p> <p>Liaise with other agencies, such as Police Environmental Health, Social Services, Youth Offending Team and Youth Inclusion and Victim Support</p> <p>Warning Letters</p> <p>Acceptable Behaviour Contracts</p> <p>Injunctions</p> <p>Anti-Social Behaviour Orders</p> <p>Demotion</p> <p>Notice of Seeking Possession</p> <p>Possession</p> <p><u>Environmental Health</u></p> <p>Noise Abatement Notice</p>	<p>1st Contact within 2 working days and agree an Action Plan within 5 working days</p> <p>Maintain contact every 2 weeks</p>
<p>*Noise Nuisance</p> <p>Following investigation, persistent complaints of noise nuisance will be referred to the Environmental Health at Cannock Chase Council. If they find evidence of noise nuisance and serve a Noise Abatement Notice they will inform us. We may then consider legal action.</p>			
CATEGORY C (ENVIRONMENTAL)	<p>Environmental issues; such as animal fouling, fly tipping, abandoned vehicles, rubbish dumping, graffiti (unless graffiti is offensive of a discriminatory or racial nature then it will be dealt with under Category A) (including inside flatted communal areas)</p> <p>Car repairs</p> <p>Parking Disputes</p> <p>Boundary hedge disputes</p> <p>Poorly maintained gardens</p> <p>Condition of property</p>	<p>Offer basic advice</p> <p>Sign post to other agencies such as Environmental Health</p> <p>Encourage Mediation</p> <p>Liaise with Estate Caretaker</p> <p>Warning Letters</p> <p>Acceptable Behaviour Contracts</p> <p>Fixed Penalty Notices</p> <p>Injunctions</p> <p>Notice of Seeking Possession</p> <p><u>Environmental Health</u></p> <p>Statutory Environmental Notice</p> <p>Fixed Penalty Notice</p>	<p>1st contact within 5 working days</p> <p>Action within 10 working days</p> <p>Follow up within 28 working days</p>

5. Definition of Anti-Social Behaviour

For the purposes of this Policy the definition of Anti Social Behaviour is consistent with that used in the Crime and Disorder Act 1998:

Behaviour 'which causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator'

For Racial Harassment Cannock Chase Council recognises and adopts the definition within the Macpherson Report that: 'A Racist incident is any incident which is perceived to be racist by the victim of any other persons', and that Racial Harassment is an 'incident or a series of incidents intended or likely to intimidate, offend or harm an individual group because of their ethnic origin, colour, race, religion or nationality'. This means that it is up to the recipient or any other person, to define whether behaviour is racial in intent and whether it is acceptable. We work in line with the legal definition of racial harassment which is 'Unwanted conduct (on the grounds of race or ethnic or national origin) which has the effect of either violating that persons dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'.

We define Domestic Violence as:-

'An incident of violence, abuse or threatening behaviour perpetrated in order to exercise power and maintain control over another person'.

What is Anti-Social Behaviour?

Examples of Anti Social Behaviour include but are not limited to:-

- Criminal Activity
- Using or threatening violence
- Racist or homophobic behaviour
- Threatening or intimidating behaviour
- Domestic Violence
- Playing loud Music
- Excessive Noise
- Damage to Property
- Uncontrolled Pets
- Dumping Rubbish
- Misusing Motor Vehicles
- Making malicious complaints

The term Anti Social Behaviour includes a variety of behaviour that can blight the quality of community life. **However we do not class everything that is reported to us as Anti Social Behaviour - for example:-**

- People mowing their lawns
- People vacuuming
- People walking across a wooden floor whilst wearing shoes
- People using washing machines
- Children falling out with each other
- Cooking smells
- Noise of children playing in their own home

All of the above are considered to be everyday living noises or minor lifestyle differences rather than Anti Social Behaviour. They will not therefore be investigated as Anti Social Behaviour under the terms of this Policy.

Although people who live in flats are expected to hear a certain amount of noise from their neighbours, they are not expected to endure unreasonable levels of noise nuisance. Anyone in any doubt should contact the Council for advice and assistance.

Children playing ball games are not considered to be causing Anti Social Behaviour. The government aims to encourage children to play outside as this will help reduce childhood obesity. It is therefore recognised that unless those playing ball are engaged in other more serious nuisance, such as verbal abuse or criminal damage, no action will be taken as this would be unreasonable and disproportionate. Unless there are exceptional circumstances we will not fit 'no ball games signs' to our communal areas or open green spaces as they are not enforceable.

How to report an incident of Anti Social Behaviour

Incidents of Anti Social Behaviour can be reported by:

- Telephoning our customer contact centre on 01543 462621
- Contacting the Housing Department
- Using the on line 'Report it Section' of the Cannock Chase Council Website
- Calling our 24 hour hot line 'Don't Live with it Report it' on 01543 464657
- Emailing the Estate management Team at : EMteam@cannockchasedc.gov.uk

6. Responsibility of Complainants

When we receive a report of Anti Social Behaviour or neighbour nuisance we will, as part of our investigation always try to contact the complainant to find out as much information as we can.

It is important therefore that all complainants recognise the importance of working with us to resolve their complaint. They should do this by responding to our calls and/or letters, collecting information on the nuisance and to be available for pre-arranged meetings or home visits.

Failure to do so may lead to the case being closed due to lack of contact with the complainant.

If a case warrants it we may request that complainants and/or witnesses provide us with a statement and attend court. It is important therefore that all complainants understand that this may be a course of action pursued as a means of resolving the nuisance.

All complainants have a responsibility not to make malicious complaints about their neighbours, visitors or anyone engaged in lawful activity around their property. We take malicious complaining very seriously and will take action against anyone found to be doing so.

The responsibility of the wider community

Although all reports of Anti Social Behaviour & nuisance will be thoroughly investigated, the wider community has a responsibility to not engage in nuisance and Anti Social Behaviour and to report it where seen.

The responsibility of Cannock Chase Council Tenants & Leaseholders

Cannock Chase Council Leaseholders are responsible for abiding by the terms of their lease and must not cause nuisance and annoyance to their neighbours, visitors or anyone conducting lawful activity in the vicinity of their property.

Council Tenants are responsible for abiding by the terms of their tenancy agreement. In summary, the sections that are of particular relevance to this Anti Social Behaviour Policy are **Sections 3.8, 3.9 and 3.10 of the Tenancy Agreement.**

7. Working in Partnership

Partnership working with the Police is crucial factor if we are to prevent Anti Social Behaviour and tackle it quickly and effectively. It is also an essential part of the Cannock Chase Community Safety Partnership in Building Safer and Stronger Communities.

Our Partnership Agencies include:-

- Staffordshire Police
- Community Safety
- Victim Support
- Chase Against Crimes of Hate
- Fire Service
- Youth Service
- Social Services
- Trading Standards
- Environmental Health
- Education

Together with Partner Agencies we have also signed an **information sharing protocol** that enables us all to share appropriate & relevant information when dealing with cases of Anti Social Behaviour. All information is shared in line with the protocol and within the terms of the Data Protection Act 1998 and the Crime & Disorder Act 1998.

We attend Joint Operational Group Meetings (JOG) and Community Safety Partnership Meetings (CSP), both of which are multi-agency forums aimed at strategic planning and targeting resources more appropriately in tackling Anti Social Behaviour within the District.

We also attend the Anti Social Behaviour Action Group (ASBAG) which meets every 6 weeks to discuss and exchange information with agencies to deal with Anti Social Behaviour complex cases at an operational level.

8. Our Approach to Tackling Anti Social Behaviour

We will assist an owner occupier or private tenant where the alleged perpetrator is a council tenant.

We will refer to the Police and the Community Safety Team all cases where both the complainant and alleged perpetrator is an owner occupier or private tenant.

We will act quickly to all reports of Anti Social Behaviour, recognising that this can help prevent situations from escalating.

Officers will be honest with complainants from the very start. We will not make promises that we cannot keep for example by assuring a complainant that a case will go to court as we cannot always predict this.

We will not move complainants or perpetrators as a means of resolving the nuisance or Anti Social Behaviour (except in exceptional circumstances) we will deal with the Anti Social Behaviour.

All action will be agreed with complainants prior to any action being taken and we will provide complainants with a regular update on the progress of their case (at least every 2 weeks). This will commence from the point of the complaint and continue until resolution.

We will minimise the burden on complainants in collecting evidence, and we will, where possible only ask for completion of incident diary sheets. If we require a detailed witness statement we will explain why this is necessary.

We want to create a climate where people feel confident in coming forward with information, but where complainants wish to remain anonymous, we will nevertheless, still investigate the complaint. Where a situation warrants it, we will use CCTV and/or professional witnesses.

We will where possible make environmental improvements, such as improving lighting and removing graffiti.

Types of Remedies – Non Legal Tools

There are a number of Non-Legal tools which we may use to resolve cases of Anti-Social Behaviour:-

- **Warning Letters** - Warnings resolve the majority of cases of Anti-Social Behaviour. We will issue initial and official written warnings to people who are causing Anti-Social Behaviour. If someone fails to take heed of a warning, we will make use of the other tools available to us.
- **Mediation** - In conjunction with Wolverhampton Mediation Service, an independent organisation, who provide a safe and impartial environment for people to resolve their problems. Agreements between the parties are formed with a view to resolving disputes and avoid issues escalating

- **Extension of Introductory Tenancy** - S179 Housing Act 2004 allows an introductory tenancy to be extended once for a period of 6 months. This may be on the grounds of any breach of tenancy conditions including an on-going case of Anti-Social Behaviour. An introductory Tenancy can be extended by a further six months. We can extend an introductory tenancy where there are continuing doubts about the conduct of the tenant. Officers can then assess the suitability of the introductory tenancy for an additional period. The tenant can request a Review of this decision. This power was introduced by the Housing Act 2004.
- **Acceptable Behaviour Contracts (ABC)** - An ABC is a voluntary agreement between one or more agencies, for example, Landlord, Police, Youth Offending Service and an individual, outlining what they should or should not do. The terms of the contract will reflect the behaviour expected of the individual and will also set out the possible consequences of breaking the agreement. Acceptable Behaviour Contracts (ABCs) are often used with children and young people, but they can equally be used for adults. They will be used when someone is involved in low to medium level anti-social behaviour or when a warning has been unsuccessful in addressing the problem.

Types of Remedies - Legal Tools

We aim to use a variety of remedies both non-legal and legal. We seek to use the most appropriate remedy available to resolve reported cases, which include:-

- **Anti-Social Behaviour Orders (ASBO)**. We work in partnership with Staffordshire Police and partner agencies to make an application to the Court for an Anti-Social Behaviour Order. An ASBO can be obtained against a perpetrator who is 10 years old and above who has acted 'in a manner that caused or was likely to cause harassment alarm or distress to one or more persons not in the same household'. ASBO's are similar to injunctions and are intended to be a preventative measure. They remain in force for two years or longer in certain circumstances. Any breach of the order is a criminal offence and can result in a prison sentence of up to 5 yrs or a fine or both. A court when making an ASBO is obliged to make an individual support order if this will help prevent any further anti-social behaviour. Parenting Orders may also be applied to parents or guardians of children aged between 10 and 17 years old who are subject to an ASBO or who have been convicted of a criminal offence.
- **Injunction**. This is a tool that we make increasing use of as they can be used to control behaviour in situ rather than by displacing the problem by evicting the tenant. Injunctions are a civil order that prohibits the persons' concerned from engaging in the behaviour details in the injunction. Some injunctions can exclude the person from specified places or areas. They can be used to prevent a range of anti-social behaviour, for example: using a property for drug dealing, barking dogs, verbal abuse, or vandalism. Using S222 of the Local Government Act 1972, an application can be made to restrain behaviour that is a public nuisance for example, prostitution, drug dealing or kerb crawling. Under the 1996 Housing Act an application can be made for injunctions for anti-social behaviour, for unlawful use of premises and for breach of the tenancy agreement. A power of arrest can be attached where there is violence or the threat of violence, or a significant risk of harm. The penalty for breach of the conditions of an injunction can be a fine or imprisonment.

- **Seeking Possession through the Court.** We seek possession of homes from people who cause levels of distress and disturbance to others that is totally unacceptable. We have this power under the Housing Act 1985 and the Housing Act 1988. The ASB Act 2003 allows court to take the following issues into account when they are considering granting possession orders:
 - The effect on those in the locality if the nuisance is repeated.
 - The effect of the nuisance on those in the locality
 - The continuing effect of the nuisance.
- **Demote a Secure Tenancy.** Under the ASB Act 2003 an application can be made for a demotion order. If a secure tenancy is demoted for a period of one year the tenant has some rights reduced such as the 'Right to Buy' and repossession of the property during this period is made easier.
- **The Use of Introductory Tenancies.** All new tenants have introductory tenancies (except where immediately before entering into the new tenancy the tenant was already a secure tenant). The use of introductory tenancies enables easier possession of homes during the first twelve months of the tenancy where there are grounds for eviction. The tenant has a right to seek a Review of the decision to seek possession which must be carried out within the statutory framework. The use of introductory tenancies in Cannock provides a positive message to both new and existing tenants that ASB will not be tolerated.
- **An Introductory Tenancy can be extended for a further six months.** Where there are continuing doubts about the conduct of the tenant. Officer can then assess the suitability of the introductory tenant for an additional period. The tenant can request a review of this decision. This Power was introduced by the Housing Act 2004.

Witnesses can expect to receive on-going assistance and support from a Victim Support officer during the court trial period and we will provide transport to and from the Court.

Hate crimes and incidents of Racial Harassment, Homophobia, Sexual Harassment

Complaints of this nature are classified as very serious under category A of the Anti Social Behaviour procedure.

We will deal with all complaints of Hate Crime in line with this Policy.

Where a Racist or Hate crime incident has been reported to us, we cannot take any enforcement action without evidence.

All complainants and witnesses in these cases will be dealt with in a sensitive, supportive and understanding way and we will provide supportive measures as described in the Witness Support Protocol.

If the property where the victim/witness lives has been the subject of vandalism or graffiti we will deal with this as a matter of urgency. Our target for removing Offensive/Racist or Homophobic Graffiti is 24 hrs.

We are committed to tackling any kind of hate crime or incident that occurs in the district, we are working closely with the local hate crime partnership, CACH, Chase Against Crimes of Hate. This service offers support to victims and also work with schools and colleges in the area to promote tolerance.

Domestic Abuse

We will deal with Domestic Abuse through our Multi- Agency Domestic Abuse Strategy, where cases are referred to the Multi Agency Risk Assessment Conference (MARAC) and dealt with by the Domestic Abuse Partnership.

- Our aim is to raise awareness of domestic abuse with staff.
- To improve the protection and support for victims of domestic violence
- To implement government guidance on tackling domestic violence.
- Provide a sensitive, confidential and appropriate service
- To provide a flexible range of services to assist people to live in their homes safely.
- Provide a partnership approach with other agencies.
- We will continue to contribute and attend the MARAC.

Support for Vulnerable Tenants

In recognising the importance of supporting vulnerable tenants, we will refer anyone who we know or who we suspect has a vulnerability to a specialist supporting people service, providing that the individual is willing to receive support. This is regardless of whether they are the alleged perpetrator or the complainant.

When a complainant of Anti Social Behaviour is made against someone who we know or suspect to be vulnerable, we will try to change or modify their behaviour by linking in with Support Services. However, we will also make it clear that any failure to engage with this service may lead to legal action being taken against them to enforce their tenancy conditions.

Witness Support

When we are preparing to take action against someone for Anti Social Behaviour, we understand that it can be frightening and a distressing time for our witnesses. We will therefore do all that we can to make this process as easy as possible.

In order to support witnesses we have adopted a Witness Support Protocol with Staffordshire Victim Support.

Where witnesses are required to give evidence in court we will provide a full explanation of what people should expect and offer a pre-court visit in advance of a hearing.

9. Closing Cases

We will close cases where the situation has been resolved and the complainant is happy for us to do so.

In certain circumstances we will close cases even if the complainant does not want us to. If we are satisfied that we have done everything we can, that is reasonable and proportionate to resolve the complaint. We will record the reasons for closing cases and advise people about what they can do next.

We do not assume that a situation has improved if we have not heard from the complainant for a while. We will try and make contact with them before passing a case for closure. We will do this by writing to them, telephone and/or conducting a home visit.

Only when these have failed will a case be passed for closure on the grounds of no contact.

We will also close a case where the complainant has failed to respond to our requests for information.

To avoid cases being open indefinitely, each case classification has been set a target timescale for closing. We recognise that not all cases will be closed within these target timescales because of individual circumstances (such as delays in securing a court date) but we aim to resolve the majority of cases within these times.

Target Times for Closing Cases

Category A	-	(Serious)	8 Weeks	(2 months)
Category B	-	(Persistent)	12 weeks	(3 months)
Category C	-	(Environmental)	16 weeks	(4 months)

Cases can be re-opened at any times, but there must have been further incidents of nuisance for us to be able to do so.

10. Performance Monitoring

We closely monitor the quality of the service that we provide by setting challenging performance targets for staff as well as carrying out customer satisfaction feedback surveys when we close Anti Social Behaviour cases.

Our performance against the Service Standards as outlined on page 3 are reported to the Council's Departmental Management Team.

Levels of customer satisfaction are monitored. Any customer satisfaction survey indicating a dissatisfied response will be followed up by the Team leader within 28 days of receipt. The Team Leader will talk to both the customer and the Officer who managed the case to establish if everything that could have been done to resolve the complaint has been done. The Team Leader will confirm the outcome of the review in writing to the customer advising them if the case should be re-opened and **investigated further or not.**

11. Confidentiality and Data Protection

We respect the rights of our customers to confidentiality and will always request their permissions before sharing any information they give us with others.

We will comply fully with the requirements of any new or existing relevant legislation, such as the Data Protection Act 1998.

12. Publicising Success

Publicity is essential if local communities are to support us when tackling anti-social behaviour. Therefore we will publicise successful results of both legal and non-legal actions that we have taken in the tenants newsletter, Hometalk Magazine, the local newspaper and on the Council website.

We will also from time to time publish a statistical summary showing the number of cases, actions, resolutions and court results to our tenants, and partner agencies, through a variety of publications such as notice boards, and Anti Social Behaviour Focus Group Meetings etc.

13. Protection of Staff

We will not tolerate any threats or abusive behaviour towards our staff, Condition 3.11 of the tenancy agreement states.

“You agree not to threaten, intimidate, harass, cause alarm or distress or carry out any violent act and ensure anyone living with you or your visitors do not threaten, intimidate, harass, cause alarm or distress or carry out any violent act against any of our employees, agents or contractors, either when visiting you at your Home or in any of our offices or anywhere else”

We will take strong action if this condition is breached including legal action which could result in an injunction, possession proceedings or both.

14. Staff Training

Tackling Anti Social Behaviour effectively requires knowledgeable and well trained staff. We will ensure that all staff dealing with Anti Social Behaviour clearly understand and are trained to deliver our Police & Procedure.

15. Legal Framework

We are required to be conversant with and take account of legislation relating to management of housing and Anti Social Behaviour. Staffs are trained and are required to have an understanding of legislation relevant to the tasks they are performing, which has a bearing on the services we deliver.

Examples of Legislation are as follows:-

Race Relations Amendment Act 2000

The general duty under this Act is to:

1. Eliminate unlawful racial discrimination
2. Promote equality of Opportunity
3. Promote good race relations between people of different racial groups

The Crime and Disorder Act

The Crime and Disorder Act came into force in September 1998. It places a duty on local authorities and the Police to form a partnership and develop with key partners to form a Community Safety Strategy to tackle crime and disorder.

Under Section 17 there is a duty for each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Under this Act Cannock Chase Council can apply for an Anti Social Behaviour Order (ASBO) as a means for combating serious Anti Social Behaviour.

Human Rights Act

Under this Act a victim suffering an abuse of one of the human rights will be entitled to complain to a court of law in the United Kingdom and seek compensation.

Prohibition of discrimination
Respect for private family life
Right to a fair public hearing

Data Protection Act 1998

All personal data processed by Cannock Chase Council must be:-

Obtained and processed fairly and lawfully
Kept accurate and up to date
Held for no longer than necessary
Subject to the appropriate security measures

Homeless Act 2002

The Homeless Act places a duty on the Council and its statutory partners to work together to prevent homelessness and to help sustain vulnerable people in particular in their tenancies. Where a household's tenancy is put at risk as a result of Anti Social Behaviour carried out by a tenant or someone in their household or a visitor, then demonstrable steps must be taken to show that all other options have been pursued before a possession order is sought.

This level is required to successfully defend any future decision not to offer alternative accommodation either through Part 7 (Homelessness) application or an application to joint the housing register from a previous tenant evicted for Anti Social Behaviour.

Housing Act 1985 and 1996

The Housing Act provides a sanction on perpetrators of nuisance & Anti Social Behaviour whether they are tenants or other persons who are affecting those lawfully in the area of the housing authority. Eviction for harassment and Anti Social Behaviour can be achieved under two different grounds in schedule 2 of the 1985 Act: Ground 1 covers all breaches of the tenancy agreement and Ground 2 is specifically for nuisance or annoyance and/or certain convictions.

The Housing Act 1996 Section 144 amends the Housing Act 1985 Ground 2 and extends the scope so local authorities can give evidence of behaviour that justifies repossessing a tenancy. The Housing Act gives Social Landlords more powers against Anti-Social tenants by strengthening the grounds for possession to include:-

1. Behaviour likely to cause nuisance (which enables professional witnesses to be used).
2. Anti Social Behaviour in the locality of the tenant's property
3. Anti Social Behaviour by visitors to the property
4. Conviction for an arrestable offence in the vicinity the property

Environmental Protection Act 1990 and the Statutory Nuisance Act 1993

Under these acts if the Council's Environmental Health Team consider that the noise amounts to a statutory nuisance they can serve a Noise Abatement Notice. If the nuisance continues without reasonable excuse the noisemaker can be prosecuted in the Magistrates Court and if convicted, can be fined up to £5000, with a further £500 for each day on which the nuisance continues. Noise Officers can obtain a warrant from the Court and can seize equipment.

We will take appropriate action on a council tenant if a noise abatement notice is served and this may include a notice of seeking possession or notice of demotion being served.

Anti-Social Behaviour Act 2003

The housing provisions of the act came into force on 30th June 2004, it introduced the following:

Section 12 - a requirement for Social Landlords to publish policies and procedures on how they deal with Anti Social Behaviour.

Section 13 - Housing Injunctions – These enable us to apply to the court for housing injunctions to prevent behaviour capable of causing nuisance and annoyance which indirectly or directly affects the housing management functions.

This will make it easier to exclude perpetrators from the areas where they have been causing trouble; wider categories of people can be protected; and a power of arrest or an exclusion order will be available where there has been Anti Social Behaviour but no violence or threat of violence; this could include emotional or psychological harm.

Sections 14 & 15 – Demotion Orders – if a tenant behaves anti-socially or allows a member of their household or visitors to do so, using sections 14 & 15, the social landlord can apply to the court for a demotion order ending the tenant's existing tenancy and replacing it with a less secure demoted tenancy.

This removes the tenants Right to Buy and security of tenure for at least a year. At the end of the year if the Landlord has been satisfied tenants conduct of the tenancy it will revert back to a secure tenancy.

Section 16 – Requires Courts to give particular consideration to the impact of Anti Social Behaviour on victims, witnesses and the wider community in all nuisance related housing possession cases.

Anti Social Behaviour Orders can be brought on the back of possession proceedings against people who are not the tenant but reside with him or her.

16. Monitoring and Review of the Policy

Cannock Chase Council will Review the Anti Social Behaviour Policy annually. We will consult with service users, staff, internal & external partner agencies within the periodic review of this policy and procedure. Any legislative or government requirements affecting Anti Social Behaviour will be reflected in the amended Policy.

17. Comments, Compliments and Complaints

We welcome all comments and suggestions on how to improve our services. If you have any comments, please contact us at:

Customer Services
Cannock Chase District Council
Civic Centre
Beecroft Road
Cannock
WS11 1BG

Telephone : 01543 462621

Or email: customerservices@cannockchasedc.gov.uk

Website : www.cannockchasedc.gov.uk

Alternatively, please refer to our leaflet 'How to make a comment, compliment or complaint about Council services'.