



Anti-social Behaviour Procedure

Managing Anti-Social Behaviour
(Council Housing Tenants & Leaseholders)

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1. Scope and purpose of this procedure document

- 1.1 This ASB Procedure sets out Ipswich Borough Council's approach in tackling antisocial behaviour (ASB) that impacts on its tenants and leaseholders and/or is perpetrated by them.
- 1.2 The Housing ASB Policy reflects the existing statutory obligation under section 12 of the [Anti-social Behaviour Act 2003](#), which requires a landlord to prepare a policy and procedure in relation to anti-social behaviour and to publish the same.
- 1.3. The Council recognises that preventing and tackling ASB effectively will have a positive impact within communities and neighbourhoods and, where appropriate, will work in partnership to prevent and resolve ASB and support tenants and leaseholders effectively by; sharing information, identifying hotspot locations; providing professional advice and support to our tenants; taking appropriate enforcement action and delivering initiatives to reduce ASB effectively.
- 1.4 The [Council's Housing](#) ASB policy states the ways in which the Council will deliver on this commitment by working with customers, other teams and partner agencies. This document sets out the detailed Procedures that sit alongside the Housing ASB Policy and includes information on how to make a complaint, how a complaint is processed and how residents experiencing ASB are supported. It also includes details on the use of enforcement and non-legal action methods including, for example, the use of mediation.
- 1.5 The overall propose of this ASB Procedure is to:
 - Work to prevent incidents and the reoccurrence of ASB in communities
 - Provide leadership in tackling ASB, doing so effectively and in a timely and appropriate manner
 - Assess the proportionality and any equality impact implications of any proposed action we may take
 - Where possible, look to modify behaviour through support, persuasion, and legal sanction rather than moving or displacing ASB through eviction or re-housing
 - Work proactively with key partners, seeking support from other agencies and organisations to develop the most effective approach and resolution to ASB
 - Focus on the impact the ASB has on the victim as this is likely to vary from one individual to another and to respond appropriately given the severity of the impact
 - Ensure that ASB is tackled efficiently and effectively using a variety of approaches
 - Identify vulnerable people, whether victim or perpetrator, and ensure we work with them appropriately
- 1.6 The working details and guidance on how the Council deals with ASB on a day to day basis is not included in this document

2. Definition of ASB

- 2.1 The Council will assess each case individually against the definition set out in the [Anti-social Behaviour, Crime and Policing Act 2014](#) which defines ASB as:
- (a) conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person,
 - (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
 - (c) conduct capable of causing housing-related nuisance or annoyance to any person.
- 2.2 For the purposes of this document, this definition has been extended to include behaviour by residents, groups of residents, members of their household or their visitors, which would generally be considered to cause annoyance, nuisance or disturbance to other people in the area.
- 2.3 Examples of ASB can include, but are not limited to:
- Aggressive and/or threatening behaviour or language
 - Intimidation and/or harassment
 - Making false or malicious complaints about another tenant or resident
 - Violence against people and/or property
 - Domestic violence/abuse
 - Hate behaviour targeted to members of identified groups because of their perceived differences
 - Vandalism
 - Misuse of communal areas
 - Excessive noise nuisance such as shouting, loud music, constant banging/slamming of doors, etc.
 - Irresponsible pet ownership such as persistent dog barking, fouling, etc.
 - Failure to maintain and/or inappropriate use of gardens
 - Alcohol and drug related ASB
 - Using a Council property for illegal or unlawful purposes e.g., the use of, production, storage and/or selling of illegal substances, storage of stolen goods, prostitution
 - Gang membership or affiliation
- 2.4 Examples of what the Council does not consider to be ASB and will not be investigated (by the ASB team) include, but are not limited to:
- Children playing e.g., ball games (unless engaged with associated ASB)
 - Actions that are considered to be normal everyday activities or household noise, e.g., people walking on floors or upstairs; lights being turned on/off; flushing toilets
 - People carrying out DIY jobs (unless works are carried out during unsocial hours)
 - Being unable to park outside your own home
 - One off, isolated issues e.g., party or an altercation
 - Children & young people gathering socially (unless engaged with associated ASB)

3. Responsibility of Council households and visitors

- 3.1 Tenants are responsible for their behaviour, the behaviour of their households and their visitors. The [Tenancy Agreement](#) sets out the tenants' responsibilities. Further guidance is also available in the [Tenants Handbook](#).
- 3.2 The Council issues a Tenancy Agreement to every new tenant and informs customers at sign up stage of their rights and responsibilities and what will happen if they cause ASB. It is expected that tenants are aware of and adhere to the conditions of tenancy relating to ASB.
- 3.3 Council leaseholders are bound by their lease agreement, the covenants of which prohibit them (or their visitors) as a lessee or their tenants (if subletting), from causing a nuisance to neighbours and using the property in any illegal or immoral way. It is expected that leaseholders are aware of and adhere to the conditions of their lease. Further guidance is available [here](#).
- 3.4 The appropriate action will vary on a case by case basis and the general principles of our ASB Housing Policy and Procedures are applied and considered.

4. Reporting ASB

- 4.1 [Ipswich Borough Council](#) - Complaints about ASB caused by, or to tenants and leaseholders can be made via the [Council website](#) or by contacting the Customers Service Centre 01473 432000.
- 4.2 Complainants are encouraged to provide their details, as anonymous complaints will restrict an investigation and may hinder the support provided to a person experiencing ASB.
- 4.3 [Police](#) - Customers are encouraged to call:
 - 999 if immediate Police response is required (i.e., a crime is in progress or about to happen) and to report drug activity.
 - 101 or <https://www.suffolk.police.uk/contact-us/report-something>
 - Crime stoppers to report any crime anonymously on 0800 555 111 or via their website www.crimestoppers-uk.org (An independent charity which is not part of the police.)
- 4.4 [Noise Nuisance](#) - If the nature of the complaint refers to noise that is persistent and unreasonable and is in relation to a statutory nuisance, complaints will be dealt with according to the Environmental Health team's policies and procedures. The Environmental Health team will investigate under the Environmental Protection Act 1990.
- 4.5 For the noise to count as a statutory nuisance it must:
 - Unreasonably and substantially interfere with the use or enjoyment of a home or other premises
 - injure health or be likely to injure health

- 4.6 Further details can be found [here](#)
- 4.7 Reporting a Hate Crime/Incident - A hate crime or hate incident is any incident that is perceived, by the victim or any other person, to be motivated by hostility or prejudice against a person based on their actual or perceived disability, race, religion, sexual orientation or gender identity.
- 4.8 Further information on support services and how to report a hate crime can be found [here](#).
- 4.9. Hate Crime is viewed as a very serious form of ASB, and the council will use all the means at its disposal to resolve complaints of this nature.
- 4.10 The Council works closely with the Police and other agencies to ensure public safety and that people receive the required support. If it is appropriate to do so, action will be taken against any tenant or leaseholder who is committing a hate incident.
- 4.11 Reporting Domestic Abuse - The UK government's definition of domestic violence is 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial, emotional.'
- 4.12 Domestic abuse can take different forms, including:
- Physical abuse: pushing, hitting, punching, kicking, choking and using weapons.
 - Sexual abuse: forcing or pressuring someone to have sex (rape), unwanted sexual activity, touching, groping someone or making them watch pornography.
 - Financial abuse: taking money, controlling finances, not letting someone work.
 - Emotional abuse / coercive control: repeatedly making someone feel bad or scared, stalking, blackmailing, constantly checking up on someone, playing mind games. Coercive control is now a criminal offence under the Serious Crime Act 2015.
 - Digital / online abuse: using technology to further isolate, humiliate or control someone.
 - Honour-based violence, forced marriage and female genital mutilation.
- 4.13 Further information on support services can be found [here](#) and guidance on how to report domestic abuse can be found [here](#).
- 4.14 As a caring landlord, the Council will support victims of domestic abuse and ensure tenants receive the required support. The Council will encourage victims to use restraining Orders and Injunctions to prevent domestic violence or to remove the violent person from the household. Temporary accommodation may be provided if necessary.
- 4.15 For tenants the Council may enforce the tenancy agreement conditions around violence and abuse in the home.

5. The Approach

- 5.1 Some ASB cases can be complex, and time is needed to collate sufficient evidence to support resolution actions. It is essential that Officers utilise and work within a range of strategies and legislation and are confident with the use of the legislative guidance. There is a commitment to using the tools and powers available under the law and should a case go to court, the judge will decide whether an action like an injunction or eviction is justified.
- 5.2 Complaints of ASB will be considered on a case by case basis using the evidence available. This will enable the Council to demonstrate that a decision to issue proceedings is both reasonable and proportionate, and the most appropriate action will be taken.
- 5.3 The investigating Officer is required to gather accurate evidence which assures that appropriate actions are taken, and the complainant may be asked to keep a record of any further incidents, or events, that they witness and consider to be antisocial. Other residents may also be approached to see what the impact of the behaviour being complained about is having on them. In some cases when a neighbourhood is experiencing ASB, a Community Impact Statement involving information from residents and partners may be conducted.
- 5.4 To address ASB, consideration on the use of informal interventions such as encouraging tenants to speak directly to the person who is causing ASB where appropriate and safe to do so; offering mediation where it is deemed appropriate; providing advice or floating support via the Tenancy Support Scheme; issuing verbal or written warnings and using Community Protection Warnings and Notices to agree future conduct.
- 5.5 Where informal methods are deemed to be inappropriate or have failed, or there is evidence of serious ASB, the council will consider the use of legal interventions under the [Anti-social Behaviour, Crime and Policing Act 2014](#) . This could result in the perpetrator losing their home, remaining in their home with fewer rights (on the condition that the offending behaviour is stopped) or being excluded from their home for a period of time.

6. Receiving and categorising complaints

- 6.1 Reports of ASB are prioritised at first point of contact which involves asking a series of short questions to establish the level or seriousness of the case. The reports are then categorised to determine the severity of the incident and the response to ensure that a consistent approach is adopted. In the first instance, the Officer receiving notification of an incident will be responsible for categorising the complaint.
- 6.2 The table below gives general examples of the levels and types of ASB incidents and how they are categorised.

Category A	Category B	Category C
High level	Medium level	Low level

<p>Allegations involving serious risk to residents or the community which may involve a serious threat of violence or other serious criminal activity. Some examples may include:</p> <ul style="list-style-type: none"> • Actual physical assault • Actual threat of violence • Hate incident (<i>see definition</i>) • Domestic Abuse (<i>see definition</i>) • Intimidation/harassment initially classed as Category B where it is apparent that the situation is now escalating (<i>see definition</i>) • Serious damage to property • Illegal or immoral use of property such as prostitution • Gang offending incl. County Lines/Cuckooing (<i>see definition</i>) • Class A drug activity dealing, usage or cultivation • Category B behaviour which is persistent and has not improved despite using informal methods to resolve the activity 	<p>Allegations of persistent and/or unreasonable behaviour where there is no immediate threat to the complainant, or others, and that cannot be addressed by mediation or early intervention. Some examples may include:</p> <ul style="list-style-type: none"> • Proven threatening/ aggressive/abusive behaviour (which includes staff and contractors) • Intimidation/Harassment (<i>incident is not toward a victim of a protected characteristic (see definition)</i>) • Frequent and/or persistent noise disturbance where a Noise Abatement Notice (NAN) has been served • Persistently failing to control visitors to the property • Reports, initially classed as Category C, where despite early intervention to resolve the issue, it is apparent that the situation is now escalating • Class B drug activity* e.g., reports of cannabis smoking/Psychoactive Substances (e.g., Spice) <i>*Officers will need to advise that complaints of Class B are reported to the Police. If a conviction follows, the matter will be passed to ASB Team for tenancy enforcement action.</i> 	<p>Cases that can be resolved through Tenancy/Leasehold Management. Some examples may include:</p> <ul style="list-style-type: none"> • Disputes between neighbours including low level harassment • Irresponsible pet ownership incl. dog fouling • Initial reports of threatening/ aggressive/abusive behaviour (which includes staff and contractors) • Failure to maintain and/or inappropriate use of gardens • Reports of one-off or occasional noise disturbance/anti- social activity • Rubbish dumping • Behaviour of visitors in or around the property • Conditions of property causing concern • Parking in unauthorised areas • Boundary disputes • Running a business from council property • Car repairs which are classed as ASB • Frequent and persistent noise disturbance such as daily living noise e.g., noise from laminated flooring, washing machine unsociable hours, • Dog fouling • Misuse of communal areas • Vandalism and damage to property
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Incidents such as serious threats of violence or abuse, assault, violent criminal activity, drug dealing or hate crime must be reported to the police by either phoning 101 (999 in an emergency) or reporting [online](#).

7. Assessing reports of ASB, actions and timescales

- 7.1 **Category A** - This covers the most serious or urgent types of ASB and includes allegations involving serious risk to tenants or the community which may involve a serious threat of violence or other serious criminal activity. This category requires more Officer time from commencement to conclusion of the case. All High-Level cases under category A will be managed by the ASB Team and treated as priority.
- 7.2 **Category B** - This covers ASB where there is no immediate threat to the complainant or others. In some cases, Housing Officers, Sheltered Scheme Managers or the Leasehold Team, will use a range of informal methods to help resolve the ASB in the initial stages and may work with the support of the ASB Team. However, where such methods are deemed to be inappropriate or have failed, the case will be referred to the ASB Team for tenancy enforcement consideration.
- 7.3 **Category C** – This covers relatively low level ASB that is unlikely to cause harm in the short term. Due to the nature of this category, less intensity is required, and the Housing Officer, Sheltered Scheme Manager or Leasehold Team will follow Tenancy/Leasehold Management procedures to resolve issues, taking swift and decisive action.
- 7.4 If the circumstances change, or if new information comes to light (at interview with the complainant, for example) a case may be re-categorised at a different level.
- 7.5 As part of the investigation process, the following table is a guide of key actions and expected completion timescales for initial Officer response.

Action	Timescale
Complaint received: Initial action Category A (High level)	To respond and offer an interview with complainant within 1 working day

- discuss the behaviour being reported and, where required, arrange an interview
- agree an Action Plan and contact intervals for updates
- issue log sheets where required

9.3 All actions taken will be recorded on the Council's ASB Housing Management systems.

10. Action Plan

10.1 This sets out the actions that the council or the complainant agree to take following the interview. The lists below are not exhaustive.

10.2 The Council may agree to:

- try to identify the alleged perpetrator (if not known by the complainant)
- speak to the person causing the problem (with the complainant's consent)
- speak to witnesses to try to gather more evidence
- involve other agencies (such as Social Services, Environmental Health or youth services)
- arrange mediation
- provide further information and advice
- take legal advice about possible legal action
- take legal action

10.3 The complainant may agree to:

- speak themselves to the person causing the problem
- keep an incident log
- contact other support agencies
- contact the police (if a crime may have been committed)

10.4 The action plan should always include:

- the estimated timescale for any action agreed (where possible)
- how the complainant will be kept informed of the progress of the case

10.5 Many of the actions that we may consider are set out in greater detail in the following sections. Any action taken will depend on the circumstances of each case. Some actions can take place at the same time.

11. Contacting the alleged perpetrator

11.1 The person causing the nuisance is called the perpetrator and with the complainant's consent, initial contact will be made with the perpetrator explaining that a complaint/s has been received and to make them aware of the problem. At this point we may:

- ask for their version of events (if appropriate)
- remind them of their obligations under the tenancy agreement or lease
- tell them to stop the ASB (if appropriate)

- make the consequences of non-compliance clear (if appropriate)
 - issue a formal warning of what will happen if the ASB does not stop
- 11.2 If an interview with the perpetrator is required, the allegations will be set out clearly, so the perpetrator is able to understand the complaints that have been made against them and have an opportunity to respond. The interview needs to be approached with an open mind and seen as an opportunity to establish the facts.
- 11.3 If the complainant has requested anonymity, then this must be respected, and the alleged perpetrator advised that we cannot disclose who the complainant is.
- 11.4 The perpetrator may have reasonable explanations for each incident or show that the complaints are unfounded or even malicious. Detailed notes of the interview will be completed and the response of the perpetrator to each allegation is noted.
- 11.5 If the perpetrator accepts that the allegations are true, it is essential the Officer explains to the tenant, that they are responsible for the behaviour of all household members and visitors to their home ensuring that the tenant fully understands the implications of the warning.
- 11.6 If the alleged perpetrator denies that they have caused a problem and there is no other evidence to support the complaint, no further action will be taken although support may still be offered to the complainant. However, if there is other evidence to support the complaint, the perpetrator will be warned that further action may be taken. In some cases, it will be considered appropriate to take immediate action, depending on the severity of the case.
- 11.7 Whatever the outcome of the interview the Officer must produce a full written account of the interview, entering all notes and actions relating to the interview on the Council's ASB Management systems.
- 11.8 The Officer will write to the perpetrator confirming the outcome of interview which may resolve the issues at an early stage, this is vital evidence that may be relied upon later if the problem/s continue. The complainant will be contacted to notify them of the outcome and any action/s taken.
- 11.9 If the problem can be resolved at this stage no further action will be taken.

12. Counter allegations

- 12.1 Where a tenant or leaseholder makes counter allegations against the complainant and alleges that it is they who are the victims of ASB, the situation needs to be handled carefully and must be recorded. These allegations will then be put to the original complainant.
- 12.2 In some instances, both parties may be responsible for the behaviour or harassment and in such cases, the Officer will seek to establish further facts. This may include contacting the police where reports have been received as well as speaking to neighbours and close by residents, who may also be affected by the anti-social conduct.
- 12.3 If it is believed that both parties have acted in an anti-social manner, both should be warned of the consequences and mediation offered as a form of early

intervention. In cases of more serious ASB, consideration may be given to taking legal action against both parties simultaneously.

13. Actions available to challenge and tackle ASB

13.1 The Council's general approach to ASB is based on using appropriate and timely intervention aiming to resolve complaints at the earliest opportunity for example by sending warning letters, offering mediation, making use of Acceptable Behaviour Contracts (ABCs), making appropriate referrals for support. Enforcement powers are utilised in appropriate circumstances where all other attempts at resolution have either failed or have been exhausted.

13.2 Where enforcement is considered necessary, action will be taken at the earliest and most appropriate opportunity, making use of the ASB powers available.

13.3 Possession action is generally only used where all other interventions and attempts to change behaviour have failed. However, the Council will not hesitate to pursue possession action as a measure of first resort in cases which are of a serious, or criminal nature, and where such action is proportionate and reasonable in the circumstances.

13.4 Mediation

a. In appropriate circumstances, mediation can be an effective way of resolving neighbour disputes, family conflicts, lifestyle differences and issues with noise complaints. The aim is to bring all parties together to reach an agreement that works for everyone.

b. Mediation usually results in the meeting of people involved in a dispute to discuss and hopefully resolve it with the help of an independent person called a mediator. However, mediation can sometimes take place without a meeting between the two parties involved.

c. Tenants or leaseholders, and their neighbours, can be referred to the Independent Mediation Service. Mediators are impartial and do not take sides. The service is free, confidential and independent of the Council. The final decision on whether a case is suitable for mediation rests with the Mediation service.

d. Mediation can resolve issues quickly and is less expensive than the possession process in the County Court. The Government continues to explore and encourage use of pre-action mediation options, where parties are encouraged to take part in mediation early in the process.

13.5 Verbal/Warning Letter

a. Sending a detailed warning letter will in many cases be sufficient in making the resident understand the consequences of their behaviour. Written warnings will set out the details of the ASB and why this behaviour is not acceptable, including the impact on any victims or local community.

- b. In deciding whether or not to use a verbal or written warning, the Officer will be satisfied that there is evidence that ASB has occurred or is likely to occur. The warning should be specific about the behaviour in question and why it is not acceptable, the impact that this is having on the victim or community and the consequences of the behaviour continuing.
- c. Where appropriate, the Officer will alert key partners when a warning has been given so that it can be effectively monitored and a record kept so that it can be used as evidence in court proceedings later, if matters are taken to that stage.
- d. If the behaviour continues after the Warning has been issued, there will be a need to consider further investigation and/or legal remedies.

13.6 **Acceptable Behaviour Contract (ABC)**

- a. An ABC is a formal written agreement in which the perpetrator acknowledges their behaviour and its effect on others, agreeing not to act antisocially in the future.
- b. ABC's can be an effective way of dealing with antisocial individuals, especially where there are a number of problem behaviours, and they can be very effective at tackling problem behaviours before they escalate further. By signing the agreement, the perpetrator is showing a willingness to improve their behaviour by not acting in an anti-social way.
- c. The investigating Officer will aim to discuss the terms of the ABC with the perpetrator before it is drafted and signed, which may encourage compliance.
- d. Whilst an ABC is not legally binding, lack of engagement in the process can be used as evidence in Court at a later date. The Investigating Officer will:
 - Outline the behaviour clearly in plain language, including the recipient's involvement in the incident/s
 - Outline the possible consequences (highlighting potential legal action) for the recipient should their involvement in the behaviour continue
 - Detail the effects the behaviour is having on victims and/or the wider community
- e. All ABCs are reviewed monthly and planned for a three-month period (dates can be agreed at the set-up meeting so all parties are aware).

13.7 Parenting Contract/Agreement

- a. A Parenting Contract is a voluntary agreement entered into by the parent or guardian of children who have been found to have committed acts of ASB, thus meaning the tenancy agreement has been breached. The contracts are designed to include the parents in any rehabilitation and prevention of such activity occurring again.
- b. The premise of a Parenting Contract is to ensure the tenants child (or children) is supervised correctly and that the parents are actively upholding their end of the agreement ensuring that their children do not commit any further acts of ASB.
- c. When drawing up the agreement, the Officer will work with partners such as the Police, Youth Offending Team (YOT) and Education and it will be appropriate to include a role for the parent or guardian. This may be, for example, a clause which stipulates that the parent must ensure their child regularly attends school.
- d. Similar to the ABC, Parenting Contracts can also form part of the evidence should the Council proceed with tenancy enforcement action.

13.8 Community Protection Notices (CPN)

- a. CPN's are issued to stop a person (16 or over) committing ASB that is detrimental to local areas and is intended to deal with short or medium-term issues.
- b. If the behaviour is persistent or continuing and unreasonable, a CPN can be issued if we are satisfied, on reasonable grounds, that the conduct of a resident is:
 - having a detrimental effect on the quality of life of those in the locality;
 - persistent or continuing in nature; and
 - unreasonable
- c. The Investigating Officer should have sufficient evidence to satisfy that the behaviour in question is genuinely having a detrimental effect on others' quality of life in terms of the nuisance or harm that is being caused to others, rather than being a behaviour that others may just find annoying.
- d. In the first instance, a written Community Protection Notice Warning (CPNW) is issued to the person committing ASB, outlining the specific behaviour and the time by which the behaviour is expected to have changed in order to avoid further action being taken.
- e. Sufficient time will be left between the issue of a written warning and the issue of a CPNW to allow the individual to deal with the matter. It will be for the Officer to decide the time permitted on a case by case basis and they will monitor the situation to see if the behaviour stops. If it does, then no further action will be taken.

- f. A CPN will be issued if the tenant has failed to comply with a CPNW and the Officer has secured sufficient evidence to show the behaviour is continuing.
- g. The CPN will specify one or more requirements which may request that the tenant:
 - stops doing specified things
 - does specified things
 - takes reasonable steps to achieve specified objectives
- h. Breaching a CPN is an offence and where a tenant fails to comply with the terms of the Notice, the Officer will refer the case to Legal Services for further action.

13.9 Civil Injunctions

- a. This is a civil remedy intended to stop or prevent individuals engaging in ASB before incidents escalate. A court may grant an Injunction against a person if two conditions are met:
 - The Court is satisfied on the balance of probabilities that the perpetrator has engaged or threatens to engage in Anti-Social Behaviour
 - The Court considers it just and convenient to grant the Injunction for the purpose of preventing the perpetrator from engaging in Anti-Social Behaviour.
- b. The Injunction may:
 - a) Prohibit the perpetrator from doing anything described in the Injunction
 - b) Require the perpetrator to do anything described in the Injunction
- c. Notable features of civil injunctions:
 - They can be obtained against anyone over the age of 10
 - They can be obtained on the civil standard of proof (i.e., on the balance of probabilities)
 - A breach is not a criminal offence
 - There is scope for positive requirements to focus on long term solutions
- d. Before making an application for a Civil Injunction, the Council will consider whether there is sufficient evidence that a tenant has caused harassment, alarm or distress or conduct capable of causing nuisance or annoyance.
- e. A court is likely to find the order is just and convenient to prevent ASB if alternative remedies have been considered and / or used to try and stop the ASB, this could include warnings, mediation and the use of ABCs.

- f. Injunctions can be used for a wide variety of breaches of conditions of tenancy or lease, including nuisance caused by pets, threats of violence towards members of staff, untidy gardens, refusal to provide access to property so that works can be carried out, acts of harassment or other nuisance.
- g. The court may add a power of arrest to an Injunction and if an Injunction is then broken, the perpetrator may be fined or even imprisoned.
- h. The decision to obtain an Injunction and what type it should be, will be made in consultation with the Council's Legal Services. The complainant and witnesses will be advised of this decision.
- i. In terms of leaseholders, the Council may take legal proceedings by way of an Injunction Order which, if breached, could result in the Council terminating the lease and recovering possession of the property.

13.10 Closure Order

- a. Sections 76 to 93 of the Anti-social Behaviour, Crime and Policing Act 2014 introduced new powers which makes provision for the issue of the 'Closure of Premises associated with nuisance or disorder'. The purpose of the Closure Order is to prevent significant and persistent disorder or persistent serious nuisance of certain groups within communities, although is not to be used as a fast track to eviction or as a first port of call for difficult scenarios.
- b. The action to close a property should not be taken by one agency in isolation. Police and the Council are required to consult each other before any decision is taken and to include communication with relevant services such as Mental Health and Social Services using a multi-agency planning meeting of lead professionals.
- c. The meeting considers the evidence for closure and agrees whether the tenant is vulnerable. Vulnerability may arise for a variety of reasons, including substance misuse, mental health issues, learning difficulties or physical disabilities. It is important that support interventions are used with enforcement measures and that the problem is tackled holistically, rather than simply shifting the burden elsewhere.
- d. The decision to use these powers must be taken by a police officer of at least the rank of Inspector or above or in the case of the Council, the Chief Executive and consultation with Senior Management.
- e. The Magistrates Court can make a Closure Order if it is satisfied:
 - i. that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive, or criminal behaviour on the premises, or

- ii. that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
 - iii. that there has been or, (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and
 - iv. that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.
- f. The Council recognises that a Closure Order should only be used as a last resort, where other interventions have been used or considered and have failed to stop the activity for good reason and where implications, for example, for children or vulnerable adults in the premises, have been carefully considered. The Council will only consider a Closure Order if it is considered necessary and proportionate to do so.

13.11 Possession Proceedings

- a. Possession proceedings will normally only be started if other available remedies have failed and so only apply to more serious ASB cases. Courts expect landlords to have tried every appropriate alternative to make the tenant comply with the conditions of tenancy before considering possession proceedings.
- b. If Court proceedings are deemed appropriate, then both the complainant and the perpetrator will be notified in writing that the case is being referred to Court. The complainant and witnesses will be advised of the likely timescale and kept informed of dates that impact on them.
- c. Complainants and witnesses will be asked to continue to keep records of further ASB related to the case.
- d. Any evidence presented in court must:
 - i. be first-hand, meaning that it must be what the complainant or witness saw or heard
 - ii. be available in writing (in an incident log, for example)
 - iii. be sufficient to convince a court that it is reasonable to grant the order we are seeking
 - iv. show that the ASB has had an impact and what that impact is
- e. Usually in possession cases, and sometimes in injunction proceedings, the evidence must be given in person at court.
- f. In deciding whether to grant the Possession Order, the judge will consider:
 - the seriousness of the nuisance
 - the tenant's personal circumstances such as health, age, any dependent children

- the interests of other tenants
 - the effect the ASB has had on the victim and/or others
 - whether the tenant has provided any assurances about future conduct
 - any other relevant circumstances
 - action previously taken by officers, including letters, warnings, interviews, alternative methods, etc
- g. An Order may be given with immediate effect, or the court may grant a ***Suspended Possession Order (SPO)*** which means the tenant cannot be evicted unless they break the terms of the suspended Order.

13.12 Notice of Seeking Possession (NOSP) Discretionary Grounds (Council Tenants)

- a. Where a council tenant has broken the terms of their tenancy agreement, the Council can, in appropriate cases, take action to evict them however, it will be for the judge to decide whether to grant possession if:
- there is enough evidence to prove that the incident happened
 - it is proportionate to grant the Order
- b. The service of a NOSP is the first formal step towards seeking possession of a tenant's home and although it does not end the tenancy with immediate effect, it gives the tenant warning that the Council intends to seek possession.
- c. The NOSP clearly sets out the behaviour that the Council has deemed to have broken the terms of the tenancy. It also notifies the tenant of the date after which court proceedings can be started.
- d. A NOSP lasts for 12 months and as a guide, contains the following details:
- The name and details of the tenant and property concerned
 - The grounds that we are relying upon as set out on [Grounds 2 of Schedule 2 of the Housing Act 1985](#)
 - The tenancy conditions the tenant is in breach of
 - Details of each ASB incident that we will rely on
 - The date that Court proceedings will start - for ASB purposes, Court proceedings for claims under ground 2 can start immediately.
- e. The NOSP must be signed by the Neighbourhood Team Manager or Tenancy Support & Enforcement Team Manager.

13.13 **Notice of seeking possession (NOSP) - Absolute Grounds (Mandatory) (Council Tenants)**

- a. The absolute ('mandatory') ground is authorised at Senior level and expedites the eviction of the Council's most anti-social tenants.
- b. This power was introduced by the ASB, Crime and Policing Act 2014 where the Court must grant a possession order provided the correct procedure has been followed and one of the five conditions is met:
 - the tenant, a member of the tenant's household, or a person visiting the property has been convicted of a serious offence;
 - the tenant, a member of the tenant's household, or a person visiting the property has been found by a court to have breached a Civil Injunction;
 - the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a Criminal Behaviour Order;
 - the tenant's property has been closed for more than 48 hours under a closure order for ASB; or
 - the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a noise abatement notice or order.
- c. The offence or ASB must have been committed in, or within the locality of the property*, affected a person with a right to live in the locality of the property or affected the Council or the Council's staff or contractors. (**usually within a 1 mile radius*).
- d. The minimum notice period is 4 weeks and must be served within 12 months of the relevant conviction or within 3 months where the tenants' property has been closed and include:
 - the landlord's intention to seek possession under the absolute ground;
 - the reasons why they are seeking possession;
 - which of the five conditions for the absolute ground the landlord proposes to rely on;
 - the relevant conviction, finding of the court, or closure order the landlord proposes to rely on;
 - details of any right that the tenant may have to request a review of the landlord's decision to seek possession, and the time in which the request must be made;
 - where and how a tenant may seek advice on the notice; and
 - the date after which possession proceedings may be begun.

13.14 Eviction (Council Tenants)

- a. The eviction of a tenant is considered to be an action of last resort and will usually only be carried out if the ASB is very serious, or persistent, and other available appropriate remedies have failed.
- b. If an immediate Possession Order is granted, or if the terms of a suspended order are broken, it is likely that the Council will apply to the court for a warrant of execution to evict the tenant.
- c. A tenant who has been evicted has the right to make an application for rehousing, for example under homelessness legislation. The Council will consider any such application on its merits however, in some cases, the Council do not have a duty to offer permanent accommodation.
- d. Eviction is the ultimate sanction at the Councils disposal and will only be pursued where it is believed that no other action will be successful in resolving the ASB.

13.15 Leaseholders - Termination of the Lease/ Forfeiture

- a. Where early intervention methods have failed the following legal remedies are open to the Council for Leaseholders

13.16 Injunction

- a. The Council can seek an injunction under Section 1 of the Anti-Social Behaviour Crime and Policing Act 2014 in the same way that it can for a tenant. If the behaviour is serious enough, this can be obtained without notice and could include a power of arrest, for example where there is violence, threats or risk of harm. The Council will require witness evidence of the alleged anti-social behaviour.

13.17 Forfeiture

- a. Forfeiture is a means for the Council to terminate a lease and will only be considered as a last resort. Before this can be considered the Council must serve a section 146 notice of forfeiture on the leaseholder to give them an opportunity to remedy the breach within a reasonable time.
- b. The Council must also comply with section 168 of the Commonhold and Leasehold Reform Act 2002 which requires either the breach is admitted by the Leaseholder or that it is proved. The First Tier Tribunal (Property Chamber) has jurisdiction to make a determination that such a breach has occurred.
- c. Only if a breach is established can the Council apply to Court for possession of the property.

14. Community Trigger (ASB Case Review)

- 14.1 The [Community Trigger](#) enables a victim of persistent anti-social behaviour to request a review of their complaints to determine what action should be undertaken, bringing agencies together and using a joined-up approach to find a solution.

It is also called the ASB Case Review.

- 14.2 The relevant bodies and responsible authorities who undertake the case review are:
- Councils
 - Police
 - Clinical Commissioning Groups in England and Local Health Boards in Wales
 - Registered providers of social housing who are co-opted into this group

- 14.3 The Community Trigger can be used if a victim has complained to Ipswich Borough Council and/or Suffolk Police:
- on three or more occasions about separate incidents of anti-social behaviour in the past six months
 - reported each incident of anti-social behaviour within one month of it happening
 - requested a case review within six months of when the victim reported the incidents

This is called the **threshold**. If the threshold is not met, the ASB Case Review will not take place.

- 14.4 A Community Trigger [application](#) may either come directly from the victim/s of the behaviour or from a third party (with the victim's consent), such as a family member, friend or local elected representative (a councillor or MP).

The victim may be an individual, a business or a community group

- 14.5 Following receipt of an application, the Officer will contact other partner agencies requesting further details of the complaints and actions that have been taken or considered.
- 14.6 This information will be assessed and if it meets the required threshold, the relevant bodies will carry out a full review of the case, consider how partner agencies have responded and make recommendations on how the problem can be resolved.
- 14.7 The victim is allocated a single point of contact who will keep them updated on the Community Trigger application including the outcome of the review and whether any recommendations for further actions are made.

15. Support to victims, witnesses and perpetrators

- 15.1 The Council acknowledges the need for a victim centred approach and understands the impact that ASB can have on individuals and the wider community. For this reason, regular communications with victims is paramount whilst consideration is given to deciding the most appropriate response to the activity in question.
- 15.2 When an ASB report is received, an assessment of the risk of harm and vulnerability of individuals will take place to assist with identifying the effect the behaviour is having on the victim's well-being.
- 15.3 In some incidents further actions to help manage or reduce the risk of harm may be required, such as asking for additional police patrols to be carried out, making a referral to Victim Support or other specialist agencies e.g., Adult Safeguarding, Mental Health services, Drug and Alcohol services.
- 15.4 To tackle ASB effectively, victims and any witnesses must feel able to provide evidence in confidence and without fear. In serious cases, especially those which may end up in court, the Officer will always consider compiling a witness impact statement detailing the effects of the alleged perpetrator's behaviour on the victim's life. This will be written to a standard that will allow it to be used as evidence in court.
- 15.5 When victims and witnesses are required to attend Court, the Council ensures that the necessary measures are in place to provide support and reassurance throughout the legal process. The Officer will also check with other appropriate agencies and databases to establish whether any party involved may pose a risk to staff or others.
- 15.6 Some perpetrators who commit ASB require support to resolve issues and change their behaviour which may be a consequence of underlying issues. Any identified issues or vulnerabilities will be taken into consideration when identifying support requirements.

16. Children, young people and vulnerable adults

- 16.1 Where an Officer has concern of a persons' welfare, whether or not the subject has a direct connection to the case they are investigating, it will remain their duty to ensure these concerns are properly logged and passed to the appropriate safeguarding agency.
- 16.2 The Council works with partner agencies as appropriate, particularly in cases involving young people, with the aim of intervening at an early stage to prevent re-offending.
- 16.3 Where the ASB is caused by a young person between the ages of 10 and 17, a holistic approach is taken to work with the family to resolve the behaviour or signpost to specialist agencies.
- 16.4 Where the family and/or young perpetrator do not engage and the behaviour persists, the council will take enforcement action on the tenancy /lease in question.

17. Partnership working

- 17.1 The Council recognises that ASB can only be dealt with effectively by working in partnership with other agencies. The ASB Team have established successful working partnerships with internal colleagues and external partners, developing effective strategies for dealing with ASB in our neighbourhoods.
- 17.2 Officers work with the Police where the ASB may also be breaking the law and will engage with a broader range of partners such as Social Services, Probation Services and Youth Offending teams.
- 17.3 Using a co-ordinated approach, Officers work with partners across several of forums to resolve issues and, where appropriate, refer a tenant/s to another agency, the forums include:
- Vulnerability meetings with Police Safer Neighbourhood Teams
 - Child protection conferences
 - Legal/Housing ASB Case Review
 - ASB Case Conference
 - Ad-hoc multi-agency and risk management meetings
 - Joint visits with police or other agencies

18. Information sharing and confidentiality

- 18.1 The Council has a legal duty to share information that may help prevent or detect crime or disorder. This duty is set out in the terms of the [Crime and Disorder Act 1998](#) which requests us to work in partnership with other agencies to prevent and tackle ASB within communities.
- 18.2 The Council will ensure that the information shared is necessary and for the safety and well-being of the person and others who may be affected by their actions.
- 18.3 When an ASB case is opened, information received will be treated in the strictest of confidence although in certain circumstances there may be a legal obligation to share relevant information, such as safeguarding concerns, with other statutory agencies.
- 18.4 In certain cases, it may be necessary to access specific information from an independent professional such as a GP or Mental Health services. The Officer will ask for written consent before proceeding unless there is a safeguarding concern which involves a risk of harm to either the tenant or another person.
- 18.5 ASB cases are recorded on a secure case management system and all case files are stored securely. Data is held in accordance with the Data Protection Act 2018, the Council's Privacy Policy, and Records Management Policy. Information will be retained in line with the Council's retention period.

19. Case closure

- 19.1 All reports of ASB will be treated as an open case until it is agreed with the complainant and the Council that the case can be closed.

19.2 The Officer, in discussion with the ASB Manager, will close the case when:

- action has been taken which has resolved the issue;
- it has been found that the issues reported are not what the Council considers to be ASB;
- following investigation, there is no ASB occurring or insufficient evidence to support further action.
- the complainant fails to assist in providing evidence therefore no further action can be taken

19.3 In cases where the investigation has been completed and Officers are unable to resolve the issues using the methods available, the victim will be informed that no further action will be taken at this stage, although, the case may still be monitored.

19.4 To help evaluate the effectiveness of the service when a case is closed, satisfaction surveys are undertaken as appropriate, the data from these surveys assist in identifying and implementing service improvements.

20. Publicity

20.1 Promoting successful ASB outcomes reassures the community by strengthening trust and confidence, reaffirms the tenancy agreement and makes it clear that the Council does not tolerate ASB.

20.2 The Council uses various methods to promote and publicise good practice examples using platforms such as the Council's Website, Neighbourhood Partnership Groups, Tenants Times/'News bites' or a press release, particularly in high-profile cases such as Final Injunctions or Closure Orders.

20.3 All publicity is dealt with on a case by case basis in liaison with the Council's Corporate Communications Team.

21. Training and service development

21.1 The Council is committed to continually reviewing the service provided to identify best working practice and any service improvements that may be required.

21.2 Officers deliver and undertake internal and external training, conduct regular case reviews, and receive case supervision during one to one meetings with Managers. This supports Officers to remain informed of progress and changes to cases and to keep abreast of any significant and/or legislative changes.

21.3 Officers actively monitor performance using indicators which include the number of recorded incidents (new cases), types of informal and formal action taken and customer feedback. These indicators support Officers to assess the overall scale of the ASB problem and identify 'hotspots' in order to direct our resources and decide what type of action works best in any given situation.

21.4 Complaints received are used to improve processes and service delivery where appropriate to do so.

22. Equality and Diversity

- 22.1 IBC is committed to tackling the barriers and discrimination that many people face to ensure that its policies and services are appropriate, accessible and relevant to everyone.
- 22.2 The Council recognises that some individuals may be disproportionately affected by ASB because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and/or sexual orientation. Any action taken will be unbiased, fair and proportionate.
- 22.3 Proportionality is considered in all cases where tenancy enforcement action is taken which ensures that all possible steps have been taken, as well as providing evidence to the Court that the Council is acting reasonably.
- 22.4 An Equality Impact Assessment is undertaken to eliminate discrimination against groups of people who share a protected characteristic as defined by the [Equality Act 2010](#).

23. Protection of staff

- 23.1 Officer may occasionally be threatened, abused or even harmed in the course of their duties when dealing with ASB. Protection of staff is of paramount importance and the Council takes these responsibilities very seriously.
- 23.2 The Council has a Health, Safety & Welfare Policy to ensure there is a planned and systematic approach to implement effective health and safety management (including lone working) across all service areas.
- 23.3 All Service Areas conduct suitable and sufficient risk assessments, record the significant findings and implement safe systems of work relevant to the scope of the Service Area's activities. Every employee has the duty to co-operate in implementing this Policy.

24. Complaints

- 24.1 Officers aim to provide a high-quality service however, where complaints are received, these will be investigated and responded to in line with the Council's complaints procedure, details of which can be found [here](#).
- 24.2 Customer complaints are used as part of the ASB service improvement process.

25. Review

- 25.1 This document will be reviewed on an annual basis or in line with legislative changes.

This document is owned by, and will be reviewed by:
ASB Team
Community Support
Ipswich Borough Council