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# **Anti-Social Behaviour Procedure**

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## 1. Scope and purpose of the procedure document

- 1.1. This document is one of two that tells you about Oxford City Council's anti-social behaviour (ASB) responsibilities and what we do to prevent and investigate ASB. This is the **Procedure** document. It tells you in detail how you can expect us to deal with your case should you report an ASB problem to the Council.
- 1.2. Our Anti-Social Behaviour **Policy** should be read alongside this document and tells you what we mean by 'anti-social behaviour' and sets out the principles of our ASB services.

## 2. The Council's responsibilities

- 2.1. Oxford City Council believes that no-one should tolerate anti-social behaviour and will use appropriate tools and powers available to local authorities to address all forms of nuisance.
- 2.2. These powers arise from three complementary roles
  - As a Responsible Authority for the Oxford Safer Communities Partnership
  - As a landlord
  - As an environmental protection champion
- 2.3. Anti-social behaviour refers to any form of nuisance, disorderly or offensive behaviour, intimidation or harassment that impact on a person's quality of life. Such a broad term can encompass everything from nuisance neighbours and drug dealing, to anti-social drinking and vandalism.

## 3. Behaviour that is not anti-social

- 3.1. The Council does not regard the following types of behaviours as anti-social and therefore we **will not** record or investigate the following:
  - Children playing in a public place e.g. streets, where they are **not** making excessive noise, obstructing access to public space or causing damage.
  - Neighbour disputes involving, for example, land boundaries, location of waste bins
  - Reasonable noise from vehicles on the highway carrying out their routine activities.
  - Reports of inconveniently or illegally parked vehicles will be recorded, but may not be immediately investigated. Where a significant and recurrent problem occurs further action may be taken.

## 4. Categories of anti-social behaviour

All complaints of anti-social behaviour made to the Council are categorised according to their level of seriousness, as detailed in the table below. How a case is rated is an important judgement which may affect how quickly we deal with a case; if the nature of the case changes, so will its rating.

<b>Category 1</b>	<b>Target time for first contact with victim or referrer: 1 working day</b>
<p><b>Definition</b></p> <ol style="list-style-type: none"> <li>1. Behaviour that is a serious risk to individuals or the peace of the neighbourhood and which may include violence, serious threats of violence or other criminal activity.</li> <li>2. Any complaint where the complainant or perpetrator is a vulnerable child, or adult as defined by s. 59 of the Safeguarding Vulnerable Groups Act 2006.</li> <li>3. Any complaint where there have been previous incidents and it appears to the case officer that, taking these together, a greater risk has developed or may be developing.</li> </ol> <p><b>Category 1</b> includes extreme cases of anti-social behaviour such as:-</p> <ul style="list-style-type: none"> <li>■ Hate related incidents (based on race, sexual orientation, homophobia, gender, disability, religion, age)</li> <li>■ Allegations of drugs/substance misuse and drug dealing</li> <li>■ Criminal behaviour involving violence or threats of violence</li> <li>■ Physical violence such as assault</li> <li>■ Threats of harm / violence</li> <li>■ Arson</li> <li>■ Child abuse</li> <li>■ Domestic abuse</li> <li>■ Serious harassment/intimidation and threatening behaviour</li> <li>■ Racist or offensive graffiti following a report</li> <li>■ Other forms of anti-social behaviour requiring an immediate response</li> <li>■ Threats to Oxford City Council staff</li> </ul>	
<b>Category 2</b>	<b>Target time for first contact with victim or referrer: 2-4 working days</b>
<p><b>Definition:</b> Unreasonable, prolonged domestic disturbance such as verbal abuse or persistent noise nuisance.</p> <p><b>Category two</b> includes serious cases of anti-social behaviour such as:-</p> <ul style="list-style-type: none"> <li>■ Aggressive/abusive behaviour</li> <li>■ Regular disturbances, such as noise</li> <li>■ Drug/solvent and alcohol abuse</li> <li>■ Verbal abuse and written intimidation and harassment</li> <li>■ Allegations of sex working, sexual acts and kerb crawling</li> <li>■ Other forms of serious anti-social behaviour, which in our opinion, need priority but do not warrant an urgent or immediate response</li> </ul>	

<b>Category 3</b>	<b>Target time for first contact with victim or referrer: 5 working days</b>
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**Definition:** Disputes between neighbours such as disagreements about parking, minor noise issues, children, pets and environmental matters.

**Category three** includes neighbour nuisance and tenancy breaches such as:-

- Pet and animal nuisance
- Minor noise nuisance
- Untidy gardens
- Litter, rubbish, refusal disposal and fly tipping
- Running a business without permission
- Car repairs
- Nuisance from vehicles such as untaxed vehicles
- Vandalism and damage to property
- Access disputes
- Misuse of the communal areas
- Parking disputes where no restrictions are in place
- Lifestyle disputes where breaches of tenancy cannot be proved
- Disputes between children
- Use of communal gardens
- Gardening disputes
- Disputes about cleaning communal areas where a service charge does not exist.

## 5. Stages of an investigation

5.1. Not all anti-social behaviour cases will follow the process set out below; however these stages are used as a guide to ensure that our investigations are robust and proportionate to the nature of the case. A case whose seriousness increases rapidly may result in moving straight to emergency court action, particularly where there is a threat of violence. The key stages to case investigation are:

- Reporting
- Initial investigations and evidence gathering
- Early intervention
- Involvement of support services
- Enforcement activities
- Court action
- Case closure and post-case after-care

## 6. Housing-related remedies

6.1. Many cases are resolved through a variety of early intervention techniques including accessing relevant support agencies, mediation, warning letters

and voluntary Acceptable Behaviour Contracts (ABCs). Unfortunately there are cases where these remedies either do not work or need to have enforcement activities running alongside them. Listed below are the most commonly used tools available.

- 6.2. **Introductory tenancies.** Introductory Tenancies are a “trial” tenancy where, if there are no problems with the tenancy after a year, the tenant will move onto a more secure form of tenancy agreement. The Council will adhere to the legal process set out for dealing with ASB related to Introductory Tenancies. Enforcement measures used for Introductory Tenancies are:
  - Extension of Introductory Tenancies
  - Termination of Introductory Tenancies
  - Final Warnings
  - Possession proceedings
- 6.3. **Secure/Assured/Licence Tenancies.** This is the most common form of tenancy and provides the tenant security unless they breach the grounds of the tenancy agreement. Breaches can be dealt with by:
  - Written warnings
  - Housing Cautions
  - Demoted tenancies. A demoted tenancy is a less secure form of tenancy. A secure tenancy can be demoted where there is anti-social behaviour, and is done by serving a Demotion Notice and making a court application for a Demotion Order. Demotion tenancies generally last for a period of 12-18 months.
  - Possession proceedings
- 6.4. **Possession Proceedings.** The council can consider applying to the court to repossess a tenant’s home where the perpetrator of anti-social behaviour is a council tenant or someone living with or visiting a tenant. The behaviour complained of is a breach of the terms of the tenancy agreement, or, in the case of secure tenants, one of the grounds for possession as defined by the Housing Act 1985 applies.
- 6.5. The grounds for possession include where the tenant or a person living with or visiting the tenant is guilty of anti-social behaviour.
- 6.6. The type of tenancy held determines the course of legal action. When an application is made to court for possession of an Introductory Tenancy, the court should grant possession, as long as the Council has correctly followed its Introductory Tenancy procedures.
- 6.7. When the tenant is a secure tenant the court must also be satisfied that it is reasonable to evict the tenant on the basis of the anti-social behaviour that has been evidenced.
- 6.8. The Anti-Social Behaviour, Crime and Policing Act 2014 introduces a new absolute grounds for possession whereby in certain circumstances a court must make an order for possession where a tenant or person visiting the house has been convicted of a serious offence.

- 6.9. Possession will always be a last resort and is reserved for serious cases. Examples of cases where eviction would be considered include:
- Dealing/supplying/cultivation of drugs from council property;
  - Using violence or severe intimidation against neighbours or staff;
  - Using council property for serious criminal activity;
  - Where properties have been closed under crack house or anti-social behaviour closure powers;
  - Where the anti-social behaviour is persistent and other attempts to prevent it have failed.

## 7. Anti-Social Behaviour enforcement remedies

- 7.1. Once enforcement options have been approved by the Community Response Team Manager or ASB Investigation Team Manager, the case officer will compile a full case file with all documentary evidence obtained during the investigation for submission to the Council's Legal and Democratic Services. This could include photographs, statements, letters, ABCs, Cautions and CCTV evidence.
- 7.2. Prior to any submission to legal service for formal enforcement action, the case officer will revisit case participants to ensure all reasonable steps have been taken to identify any vulnerabilities and safeguarding needs, and appropriate supportive actions considered.
- 7.3. The manager will provide appropriate advice and guidance with regards to appropriate legal measures taking full account of the perpetrator's age, tenure and reflecting the nature and the seriousness of the case.
- 7.4. **Anti-Social Behaviour Orders (ASBOs).** These are civil orders setting out terms which prohibit the perpetrator from carrying out specific anti-social acts, for example, to prevent them from entering defined areas on a map or prohibiting them from associating with people also involved in anti-social acts.
- 7.5. Applications are presented to an Oxford ASB panel, a multi-agency forum with a statutory responsibility to consult on, and approve applications for court. The council can apply for these orders in the Magistrates Court or as part of other proceedings in the County Court, for example, possession proceedings.
- 7.6. The anti-social acts have to be proven to a criminal standard of proof and the Council also has to persuade the court that proposed terms are necessary. Once the ASBO is made, breaching the order is a criminal offence.
- 7.7. Anti-social behaviour orders can also be made following a conviction in the criminal courts. Although the prosecutor and not the council makes the application for this to happen, the Council works closely with the police and CPS to identify suitable cases for such orders on conviction.
- 7.8. The ASB, Crime and Policing Act 2014 will repeal the ASBO and replace it with an Injunction.

- 7.9. **Injunctions under s.153 Housing Act 1996.**An injunction is a court order prohibiting a person from committing certain acts. If an injunction is breached, this will be contempt of court, and the Council can apply for this contempt to be punished by a fine or committal to prison. It may also be possible to obtain a power of arrest and exclusion zone (including exclusion from someone's home), as part of the injunction if the individual has used or threatened violence or there is a significant risk of harm to victims.
- 7.10. In very serious cases it may be possible to apply for an injunction without telling the perpetrator that the Council is applying to court for an order.
- 7.11. **Injunctions for trespass.**The Council can send a prohibition letter banning individuals from entering council owned property. If the letter is ignored this will be trespass and the Council can apply for an injunction banning the individual from continuing the trespass. In the case of schools, the law requires the parent of a child to be consulted before such a ban is made against them.
- 7.12. **Injunctions under s.222 Local Government Act 1972.**The Council can use the authority of s. 222 Local Government Act 1972 to bring proceedings in the County Court to prohibit a person from continuing to cause a public nuisance, if it can be shown that it is expedient for the promotion or protection of the interests of the inhabitants of the area. These can be used to deal with problems such as drug dealing, begging or prostitution.
- 7.13. **ASB and Drug House Closure Orders.**The Council can make an application for an order which closes a property which is associated with significant and persistent disorder or persistent serious nuisance to members of the public, or drug misuse. The order excludes everyone from the property for a period of up to three months. The order can be extended for a further three months if necessary. The order can be sought against any property whether owned by the council or not and can include commercial buildings.
- 7.14. The ASB, Crime and Policing Act 2014 will replace the existing closure orders with a new Closure Order for premises associated with nuisance or disorder.
- 7.15. **Seizure of sound equipment.**Section 10(7) of the Noise Act 1996 confirms the power of a local authority to abate any statutory noise nuisance by seizing and removing equipment used in the emission of the noise in question.

## 8. Evidence gathering

- 8.1. It is essential that high quality evidence is gathered at an early stage to ensure risks are identified, the correct courses of actions are taken, support agencies are involved and, if necessary, court files prepared. Case Managers will ensure all investigations are thorough and all avenues of potential evidence are explored to determine the most effective means to resolve complaints of ASB.
- 8.2. This information is recorded on the ASB case management system. Any evidence provided in support of an anti-social behaviour case may be used as evidence in legal proceedings, where appropriate.



- 8.3. **Statements.** Witness Statements can be taken from any person over the age of 10 years, but for anyone under 19 an appropriate adult must be present. It will be explained that a person may be required to attend court.
- 8.4. **Community Harm Statements.** May be used, where appropriate, in order to highlight the harm an individual's behaviour is having on the wider community. Statements may be exhibited as part of legal proceedings or may be used as part of non-legal interventions.
- 8.5. **Professional witnesses** can be used in situations of harassment, threat or intimidation where a witness is not prepared to make a statement.
- 8.6. **Incident diaries** will be made available to all complainants of ASB and will be:
  - provided with guidance of 'how to complete'
  - made available in community languages where requested
  - provided with a freepost envelope, on request
  - made available digitally on request.
- 8.7. **Letter drops.** Neighbours may be written to asking whether they would like to report any cases of anti-social behaviour or have information relating to a case. All responses are kept confidential.
- 8.8. **Photographs.** Photographic evidence is particularly used when prosecuting environmental offences such as dog-fouling, fly-tipping, illegal parking and incorrect presentation of domestic or commercial waste.
- 8.9. **Surveillance.** Where surveillance operations are to be used to obtain covert CCTV evidence of incidents of ASB, an appropriate Regulation of Investigatory Powers Act 2000 (RIPA) authorisation will be sought.

## 9. CCTV

- 9.1. CCTV can be a significant tool in the fight against ASB. The impact of CCTV can also help detect crime, as well as identifying missing persons and other public safety concerns.
- 9.2. Oxford's public space CCTV cameras are currently managed under a partnership agreement between Oxford City Council and Thames Valley Police.
- 9.3. The cameras in Oxford can be found in the following places:
  - Oxford City Centre
  - Park and Ride sites
  - Cowley Road
  - Rose Hill
  - Wood Farm
  - Barton
  - Blackbird Leys
  - City Council tower blocks.

## **10. Supporting victims and witnesses**

- 10.1. To tackle ASB effectively, victims and witnesses must feel able to provide evidence in confidence and without fear.
- 10.2. For cases that end up in court, the lead officer may consider compiling a “Community Harm Statement” detailing the effects of the perpetrator’s behaviour on the witness’s life. .
- 10.3. Officers will ensure that any instructions issued to legal representatives will include full consideration of the needs of the witness. Officers will always advise complainants of the final outcome of cases and of any measures aimed at preventing problems from recurring.

## **11. Logging concerns for children, young people or vulnerable adults**

- 11.1. In the course of an investigation an officer may come across a person whose welfare may raise concerns. Whether or not the subject has a direct connection to the case under investigation, it remains the duty of officers to ensure that these concerns are properly logged and passed to social services through the appropriate safeguarding mechanism.

## **12. Monitoring the service**

- 12.1. Oxford City Council is committed to delivering a high quality anti-social behaviour service. Our aim is to continuously improve the way we work and to acknowledge, and learn from, the occasions when the service fails to meet expectations.
- 12.2. One way in which we monitor the quality of the service is to ask people who have used it to tell us about their experience. Each Customer Feedback Survey outlines the customer’s experience of the case. We look for trends in the provision of the service. We ask an identical set of questions to those asked by other ASB service providers and compare our performance relative to that of other organisations. This information is then scrutinised by the ASB Champion Group.
- 12.3. How we deal with ASB in the community is also monitored against an agreed set of minimum standards of performance, established in the Oxford Local Offer for ASB. We report on our performance against these standards.

## **13. Professional discretion**

- 13.1. This policy commits us to dealing with ASB in Oxford in a way that will be fair and proportionate. Our services are constantly evolving and each ASB case we deal with is unique. When appropriate, we will use our discretion to vary our approach from the overview set out in this document.

## **14. Comments, compliments and complaints**

- 14.1. As a service provider, Oxford City Council strives to excel in customer satisfaction. We particularly welcome feedback where our staff, services, policies and procedures have exceeded customer expectations.
- 14.2. Oxford City Council's objective is to build a world class city for everyone and excel in our service provision. We recognise that things sometimes can go wrong. When they do, we want to put them right as soon as possible and

learn from what happened to develop and improve services and procedures.

- 14.3. To ensure we receive customer feedback, either positive or negative, please call us on our mainline number: 01865 249811 or use our on-line form that can be found here:

<http://www.oxford.gov.uk/PageRender/decVanilla/CommentsComplimentsorComplaints.htm>

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July 2014