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LOCAL AUTHORITY HOUSING MANAGEMENT

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Anti-Social Behaviour

Statement of policies and procedures published by Portsmouth housing service in its' capacity as a housing authority to meet its statutory obligations under Section 12 of the Anti-social Behaviour Act 2003.

For queries about ASB in housing please contact Gerry McDougall (ASB Housing Co-ordinator)

Telephone 023 9284 1764

Email gerry.mcdougall@portsmouthcc.gov.uk

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1. Introduction

The purpose of this document is to explain Portsmouth City Council's, housing service policy, for dealing with anti-social behaviour affecting or caused by tenants and leaseholders in Portsmouth and Havant, taking into account the wider strategic picture.

- 1.1. Together with the other policies and procedures referred to, this document forms the “Statement of Policies and Procedures” which the housing service must publish in its’ capacity as a housing authority to meet its statutory obligations under Section 12 of the Anti-social Behaviour Act 2003.
- 1.2. This policy applies where any complainant or alleged perpetrator is a city council tenant or leaseholder, a member of their household, a visitor to their household, or where the city council is affected in its role as a landlord.

- 1.3. Although the housing service is not responsible for the behaviour of its tenants, it does have powers to take action against those causing anti-social behaviour, and will do so where necessary and where there is evidence to support the actions.

2. Definition of anti-social behaviour

- 2.1. The definition of anti-social behaviour used in this policy and procedures is:
- a. Where the anti-social behaviour has occurred in a public place, the definition is, *"conduct that has caused or is likely to cause, harassment, alarm or distress to any person"*.
 - b. For anti-social behaviour affecting residential premises it is defined as *"conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises"*.
 - c. The third definition relates to *"conduct capable of causing housing related nuisance or annoyance to any person"*. Housing related meaning directly or indirectly relating to the housing management functions of a local authority or housing provider.
- 2.2. The type of behaviour which can amount to anti-social behaviour includes:-
- a. Noise nuisance – for example from loud music, televisions and gaming consoles, vocalised noise such as raised voices and arguments, dogs barking and other unreasonably noisy activities such as carrying out DIY (minor home improvements) at unreasonable hours.
 - b. Intimidation and harassment.
 - c. Misuse of communal facilities - vandalism, graffiti, urinating in lifts, dog fouling, dumped cars.
 - d. Violence against people and property.
 - e. Hate behaviour that targets members of identified groups because of their perceived differences – for example, race and ethnicity, gender, age, religion, sexual orientation, mental health or disability.
 - f. Using housing accommodation for the possession, distribution or dealing of drugs; or for other unlawful purposes.
 - g. Negligence, such as the regular flooding of a neighbouring home from a washing machine which was known to be leaking.
 - h. Neighbour disputes, such as over the siting of a boundary, when this escalates into, for example, abusive language
- Note: This is not an exhaustive list.
- 2.3. Some types of behaviour which will probably **not** amount to anti-social behaviour are:
- a. Children playing in appropriate areas and at suitable times
 - b. DIY work during daytime hours

- c. Reasonable use of household appliances such as washing machines and vacuum cleaners

2.4. In assessing what is unreasonable behaviour, a useful criterion to adopt is that it must be something that is likely to inconvenience **anyone** - not just someone who is exceptionally sensitive.

3. Other definitions and abbreviations used in this document

Abbreviation	Definition
ABC	Acceptable Behaviour Contract - This is an agreement between an individual and an agency / agencies, about how the individual will behave in future. It is not legally-binding, but seeks to amend or restrict the behaviour of an individual such that future behaviour improves and legal action is avoided.
Agency	An organisation such as the Police, social services or Probation Service
Alleged perpetrator	A person who is reported to be causing anti-social behaviour to another person, who is not in the same household as themselves.
ASB	Anti-Social Behaviour
ASBO	Anti-Social Behaviour Order - This is a Court Order typically instructing a person not to behave in a certain way (e.g. to harass or intimidate others), or not to visit a certain area (where they have previously committed anti-social behaviour). They differ from an injunction in that they last for a minimum of 2 years and are available in any area and against persons 10 years of age and over. These have been superseded by the CBO ASB, Crime & policing Act 2014 and are no longer available.
ASBU	Portsmouth City Council's Anti-Social Behaviour Unit. The ASBU co-ordinates action into tackling anti-social behaviour
Assessor	A person working for Portsmouth Assessment Service. This is a service provided by Portsmouth Mediation Service, a charitable organisation. It is independent from the housing service and handles most follow-up work, case investigation and assessment of complaints of anti-social behaviour that are reported to the housing service
Case	An on-going investigation into the anti-social behaviour of an alleged perpetrator
Caseworks+	The housing ASB data and case management system.
Caution Alert	The process the housing service uses to record details of incidents to protect staff and others from residents where there is evidence of them having committed abusive behaviour or threats or acts of violence which could be a risk to staff.

Abbreviation	Definition
CCTV	Closed Circuit Television. The use of surveillance cameras to prevent or detect anti-social behaviour and criminal activity.
CSP	Community Safety Partnerships, multi-agency partnerships that set the strategy.
Community Wardens	Portsmouth City Council Community Wardens work to help keep the city safe, clean and tidy, while providing support and advice when needed.
Complainant	A person suffering from the anti-social behaviour of another person not of the same household who reports this to the housing service
Contemporaneous	In this instance, written evidence occurring during the same time period
Criminal Behaviour Order (CBO)	The Criminal Behaviour Order (CBO) has superseded the ASBO and is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court. Anti-social Behaviour, Crime and Policing Act 2014
Cross-tenure	An issue that applies to all types of occupancy
DCLG	The Department for Communities and Local Government, which is the government department which oversees much of the work of the city council.
Environmental ASB	Damage caused to the environment through ASB e.g. graffiti.
EHS	Portsmouth City Council's Environmental Health Service, dealing with noise nuisance as one of its services
Estate Services Officer (ESO)	Local authority housing staff role that is primarily estate-based. ESO's duties include reporting repairs and incidents of anti-social behaviour and building community cohesion.
Harassment	Deliberately causing annoyance or nuisance to a particular person or persons
Hearsay evidence	Where a person is told of anti-social behaviour, and may witness its effect upon a person, but does not actually witness the anti-social behaviour at first hand. Such evidence can nevertheless be given in Court.
Housing Officer	A housing service employee who manages housing tenancies in a particular area
Housing Service	The department of Portsmouth City Council that manages council properties, both tenant and leasehold
Incident	A single event or occurrence which is part of a case
Injunction	A Court Order typically instructing a person not to behave in a certain way (e.g. to harass or intimidate others), or not to visit a certain area (where they have previously committed

Abbreviation	Definition
	anti-social behaviour)
Intimidation	Causing alarm, concern or anxiety to a person in order for example to stop them giving evidence against a perpetrator of anti-social behaviour
Leasehold Services	This team is responsible for dealing with the process of Right to Buy local authority homes and manage the lease of leasehold properties.
Malicious Complaint	A false complaint made about a person in order to cause them alarm, distress, harassment or intimidation.
Multi agency safeguarding hub - (MASH)	<p>MASH is based at the Civic Offices, providing a multi-agency triage service for the public and professionals wanting to access or discuss support services for a child of their family.</p> <p>MASH comprises of adult services, health, education, troubled families, EIP, Police and Children's Social Care and Safeguarding as well as professionals working in Early Years, Substance Misuse and Adult Mental Health Services.</p>
Multi-agency	An approach to resolving a problem where several organisations get together to share information and agree a joint course of action to solving or preventing further anti-social behaviour
Multi-tenure	<p>A phrase that describes the different types of occupancy, for example:</p> <ul style="list-style-type: none"> • Housing service tenants • Housing service leaseholders • Owner-occupiers • Housing association tenants, and • Private tenants
Notice of Seeking Possession	The first stage in evicting someone from their local authority home
Notice of Intention to Seek a Demoted Tenancy	The first stage in reducing someone's security of tenure for their local authority home
Notice of Seeking Possession (absolute grounds)	The tenant, a household member, or a person visiting has been convicted for a serious offence or has breached certain ASB interventions.
PMAS	Portsmouth Mediation & Assessment Service
Priority Rehousing Panel	Is a panel that can meet as and when required to consider unusual cases for rehousing. This would include cases where someone has been previously evicted for ASB. The panel is made up of housing staff and other agencies that have an interest in the particular circumstances of the case.
Professional / Independent	A person working for an agency or company who witnesses

Abbreviation	Definition
Witness	anti-social behaviour at first hand, and provides evidence of this. Professional witnesses may be: <ul style="list-style-type: none"> • ASBU officers • Private investigators • Police Officers • Housing Officers • Community Wardens • Environmental Health Officers
Residents	City council tenants, leaseholders or members of their household.
RIPA	The Regulation of Investigatory Powers Act of 2000 which sets rules for local authorities wishing to undertake surveillance.
Safer Portsmouth Partnership (SPP)	The statutory multi-agency group which oversees the setting and implementation of Portsmouth's strategy for reducing crime and disorder, substance misuse and re-offending
Safer Havant Partnership (SHP)	The statutory multi-agency group which oversees the setting and implementation of Havant's strategy for reducing crime and disorder, substance misuse and re-offending
RESOLVE ASB	Formerly known as the Social Landlords Crime & Nuisance Group - a national group set up to lobby for legislative change, share and promote good practice, and run training courses.
Victim	A person suffering from the anti-social behaviour of another person not of the same household
Vulnerable adult	Any person who may have a disability, a learning difficulty, or is older in age (This is not an exhaustive list).
Witness	A person suffering from or who witnesses the anti-social behaviour of another person not of the same household, who reports this to the housing service and provides evidence to support this. This can include people working for agencies in an area.
Working day	A weekday (i.e. excluding Saturday and Sunday) that is not a Bank Holiday

4. Policy statement – the Safer Portsmouth Partnership's anti-social behaviour pledge

- 4.1. The Safer Portsmouth Partnership (SPP) is responsible for reducing crime and substance misuse in Portsmouth, making the city a safe place to live, visit and work.
- 4.2. Our Priorities are to reduce:
 - a. Anti-social behaviour

- b. Substance Misuse
- c. Domestic Abuse

5. Policy statement – the Safer Havant Partnership’s anti-social behaviour pledge

5.1. The Safer Havant partnership is a multi-agency group working together to reduce crime and anti-social behaviour in the Havant Borough.

5.2. Early intervention and problem solving are two key areas that we are working on to achieve this goal.

6. Obligations of tenants

6.1. The housing service is determined to help everyone to enjoy a quiet life, with freedom for themselves and their families to grow up in a safe and peaceful environment.

6.2. In return for seeking to protect people’s rights to a peaceful life, the housing service expects residents to behave responsibly and to ensure that all members of the household, lodgers and visitors do likewise.

6.3. These obligations are set out in the housing services tenancy conditions, the relevant parts of which are:

6.4. Tenancies pre-April 2011

“YOUR OBLIGATIONS AS THE TENANT ...

11 Nuisance and Harassment

You shall not do anything which may cause nuisance or harassment to other people.

You are responsible for the conduct of all members of your household, lodgers and visitors whilst they are on the premises and you shall take all reasonable steps to ensure they do not cause nuisance or harassment to other people.

Nuisance may include for example:-

- any unlawful and disorderly conduct
- not keeping a pet under control or allowing it to foul the premises
- parking a vehicle in an area not designated for parking
- causing a nuisance when repairing a vehicle
- any noise or disturbance that causes annoyance or disruption to others

Harassment may include for example:-

- any distress, annoyance or offence caused by any intimidation or discrimination on the grounds of sex, sexual orientation, disability, religious belief or age.

The premises includes your home plus common areas such as lifts, stairs, balconies, paths, walkways and gardens that are in the locality of your home’

12 Racial harassment

Racial harassment includes any verbal or physical abuse directed at any individual or group on the basis of colour, race, nationality or ethnic origin, when the victim believes that the abuse is of a racist nature and/or there is a direct evidence of a racist motive. As such it is distinct from other forms of harassment.

Racial harassment is a crime and a serious breach of your tenancy agreement. We will not hesitate to take action to end the tenancy of any home with which an offender is associated.

6.5. Tenancies post-April 2011

“YOUR OBLIGATIONS AS THE TENANT ...

10 Nuisance and Harassment

You shall not do anything which may cause nuisance or harassment to other people.

You are responsible for the conduct of all members of your household, lodgers and visitors whilst they are on the premises and you shall take all reasonable steps to ensure they do not cause nuisance or harassment to other people.

Nuisance may include for example:-

- any unlawful and disorderly conduct which would include for example
 - * Any offence under Misuse of Drugs Act (1971) such as:
 - Unlawful possession of a controlled substance
 - Possession of a controlled substance with intent to supply it
 - Supplying or offering to supply a controlled drug (even where no charge is made for the drug)
 - Allowing premises you occupy or manage to be used unlawfully for the purpose of producing or supplying controlled drugs
 - * Using your home to store or move on stolen property
- Not keeping a pet under control or allowing it to foul the premises
- Parking a vehicle in an area not designated for parking
- Causing a nuisance when repairing a vehicle
- Any noise or disturbance that causes annoyance or disruption to others

Harassment may include for example:-

- Any distress, annoyance or offence caused by any intimidation or discrimination on the grounds of sex, sexual orientation, disability, religious belief or age.

The premises include your home plus common areas such as lifts, stairs, balconies, paths, walkways and gardens that are in the locality of your home.”

11 Racial harassment

Racial harassment includes any verbal or physical abuse directed at any individual or group on the basis of colour, race, nationality or ethnic origin, when the victim believes that the abuse is of a racist nature and/or there is a direct evidence of a racist motive. As such it is distinct from other forms of harassment.

Racial harassment is a crime and a serious breach of your tenancy agreement. We will not hesitate to take action to end the tenancy of any home with which an offender is associated.

7. Support for witnesses/ complainants 1 – initial reporting

- 7.1. The housing service recognises that people suffering from and witnessing anti-social behaviour are the most important people to assist through this policy and procedures. They suffer the consequences of anti-social behaviour which can include:
- a. Disruption to their lives
 - b. Loss of sleep
 - c. Health problems
 - d. Physical and mental injury
 - e. Loss of self esteem
 - f. A worsening quality of life
- 7.2. The housing service places the victims of and witnesses to anti-social behaviour at the centre of the policy and procedures by:
- a. Responding quickly to reports and complaints of anti-social behaviour
 - b. Keeping complainants informed of developments
 - c. Offering appropriate advice and support
 - d. Working in partnership with others to tackle the problems
 - e. Carrying out any physical works needed free of charge e.g. replacing locks
- 7.3. Reporting of and responding to initial complaints:
- 7.3.1. The housing service recognises that it is a big step for people to complain about the anti-social behaviour of a neighbour. People will feel concerned over the possible repercussions, such as deterioration in the relationship with that person, or even possible harassment, intimidation or physical threats or injury.
- 7.3.2. For this reason the housing service aims to deal with complaints
- a. Quickly
 - b. Effectively
 - c. Sympathetically, and
 - d. Appropriately
- 7.4. The housing service's main aim will be to stop the anti-social behaviour from happening, rather than seeking to punish people or decide who is right or wrong over an incident.

- 7.5. Nevertheless, where there is anti-social behaviour such as the actual or threatened use of violence, the housing service may look to take enforcement action (such as getting a court injunction) as a first option.
- 7.6. In other cases, such as where a dispute has arisen over the use of communal facilities which has not become violent, the housing service will seek to understand the issues and try to get an agreement between the people involved. In this way mutual respect and understanding can be re-established and a confrontational approach is avoided.
- 7.7. Residents experiencing anti-social behaviour need to consider the following:
- a. **Talking to the person.** If residents have been getting along together in the past, then a friendly, personal approach may be best. Residents need to be clear about exactly what behaviour is causing what problems, and to raise these in a reasoned and non-confrontational way. Residents should think carefully about the language used and the desired outcomes.
 - b. If past experience or knowledge leads a resident to be concerned about approaching the person directly, they should contact their local area housing office (contact details are given later in this document). Again, residents need to be clear about exactly what behaviour is causing what problems and the outcomes desired. It may help to keep a written record, such as a diary of the anti-social behaviour, to assist later in describing the problem to the housing service.
 - c. **Malicious complaints.** A false complaint made about a person in order to cause them alarm, distress, harassment or intimidation, could be treated as an act of anti-social behaviour.
- 7.8. A member of staff at the housing office will take down the details of the complaint, and check them for accuracy with the resident. Staff will then record the complaint on Caseworks+, and advise the complainant of the reference number.
- 7.9. One or more of the following actions should then be taken¹:
- a. The Housing Officer will deal with the complaint and record the actions taken on Caseworks+,
 - b. The case will be referred to Portsmouth Mediation & Assessment Service (PMAS), or
 - c. If the anti-social behaviour is outside the remit of PMAS, or is very serious and an immediate threat to the complainants health and/or well-being, an action plan will be agreed with the complainant. The council's aim is that these actions will happen quickly after the receipt of the complaint, with any emergency measures necessary being taken immediately.

8. Support for witnesses/ complainants 2 - Portsmouth Mediation & Assessment Service (PMAS)

- 8.1. PMAS is a charitable organisation. It is independent from the housing service and handles most follow-up work, case investigation and assessment of complaints of anti-social behaviour that are reported to Local Authority Housing Management.
- 8.2. Once the complaint has been referred to PMAS, they will normally contact the complainant within 2 working days. This contact will arrange an appointment for an assessor to hold a face-to-face meeting with the complainant.

¹ unless there are circumstances in the particular case that warrant alternative action to be taken

- 8.3. The purpose of this meeting will be for the complainant to:
 - a. Describe the problems
 - b. Explain how the anti-social behaviour is affecting them
 - c. Say what outcomes they would like to restore the situation back to an acceptable one.
- 8.4. The assessor will help the complainant to clearly set out the issues in 8.3 above
 - a. Explore the options available to the complainant
 - b. Explore whether they will talk with the alleged perpetrator(s) about the anti-social behaviour, or whether the assessor will do this. If the complainant does not want to speak with the alleged perpetrator, and does not want the assessor to either, then the complainants' wishes will be respected. The assessor will however explain that this will limit what is likely to be achieved.
 - c. Decide what information should and should not be divulged to the alleged perpetrator(s) if they are to be approached by the complainant or the assessor
 - d. Decide on the next steps to be taken
- 8.5. The next steps available to the complainant will include:-
 - a. Discussion of the issues with the alleged perpetrator and attempts to resolve them
 - b. If all parties are in agreement PMAS will arrange for the parties to meet to agree on a way forward to resolve their conflict/dispute. This Restorative process encourages both parties to suggest and develop their own solution to the issues
 - c. Referral to another agency, for example if the alleged perpetrator is suspected of having substance dependencies
 - d. Referral back to the housing service for further action (such as evidence gathering)
- 8.6. If the initial issues are resolved, but then re-start, the assessor will attempt to leave the complainant with coping techniques to tackle the issues straight away.
- 8.7. This list is not exhaustive, and the aim will be to find a resolution to the anti-social behaviour that both satisfies the complainant and can be sustained. The process can start again with PMAS at any point should further instances of anti-social behaviour occur within 6 months of the original complaint.
- 8.8. Reporting back to the housing service.
 - a. The outcome of the assessment of the complaint of anti-social behaviour will be reported back to the area housing office via Caseworks+ by PMAS. When further action is required by the housing service, the assessor will copy this report to the ASBU.
 - b. Where the only or main complaint is of noise nuisance, PMAS may report the case directly to city council's Environmental Health Service (EHS - with relevant information copied to the Housing Officer and ASBU via Caseworks+). See section 10 below.

- c. The housing service/ EHS will then set an action plan for each individual case.

9. Support for witnesses/ complainants 3 – Noise Nuisance cases

- 9.1. With complaints where noise is the main or only anti-social behaviour issue raised, the Housing Officer will:
 - a. Record the details on Caseworks+
 - b. Liaise with the EHS to prepare an Action Plan
- 9.2. The Action Plan may include:
 - a. Proposals for gathering evidence
 - b. Joint working arrangements
 - c. Responsibilities to be taken on by the housing officer, ASBU and EHS
 - d. Arrangements for information sharing
 - e. Information on policy to be given to complainant
 - f. Proposals for taking escalating action and keeping records updated.

10. Support for witnesses/ complainants 4 - Emergency Incidents.

- 10.1. Emergency incidents of anti-social behaviour may include those defined as:

Complaints involving violence or health and safety concerns requiring immediate action by the Police or local authority housing management such as issues of domestic abuse, issues of vulnerable adults, child protection, hate crime and actual violence against people or property.
- 10.2. **Complaints of anti-social behaviour where a clear and serious breach of the tenancy agreement is alleged.**
 - 10.2.1. The housing officer will:
 - a. Record the details on Caseworks+
 - b. Contact the ASBU housing co-ordinator if in doubt as to whether the case meets the criteria for referral
 - 10.2.2. The assessment of referrals will be assessed by the ASBU for seriousness as follows:
 - 10.2.3. Priority A (High Threat to person and property) requiring a high level of legal and multi-agency intervention, including assigning an ASBU officer to the case. Emergency action may be required, e.g. securing a place of safety for the victim, applying for an emergency injunction.

Includes: Harassment on the grounds of race, sexuality or disability, any other harassment, and actual violence or threats of violence, any other serious criminal activity and/or breach of a Noise Abatement Notice.
 - 10.2.4. Priority B (Medium threat to person and property), requiring multi-agency and potentially legal intervention. There may be a previous history of ASB in these cases.

Includes: Serious breaches of Conditions of Tenancy "use of drugs and using the property for illegal purposes", allegations of criminal activity, serious threats or threatening behaviour, intimidating behaviour from groups or individuals, complaints that have the potential for rapid progression to a **Priority level A** complaint.

10.2.5. Priority C (Low threat to person and property) to be dealt with by the area housing office estate management team with arm's length support from the ASBU

Includes: most neighbour disputes, minor breaches of Conditions of Tenancy, initial complaints of noise disturbance, complaints regarding pets, refuse, parking, or the condition of a tenant's property.

10.2.6. A case meeting may then be held to discuss the case and decide on an appropriate course of action. The complainant will be consulted, and their agreement to the action plan will be sought.

10.3. Complaints of anti-social behaviour where hate crime is alleged.

10.3.1. The Housing Officer will refer immediately to the ASBU and the hate crime worker will:

- a. Establish the details of the complaint
- b. Assess the immediate practical help required
- c. Agree an action plan with the complainant
- d. Record the details on Caseworks+

10.4. Complaints of anti-social behaviour where domestic abuse is alleged.

10.4.1. The Housing Officer will:

- a. Record the details on Caseworks+
- b. Follow the guidance set out on intralink [Domestic Abuse](#)

10.5. Complaints of anti-social behaviour where child protection issues are raised (Portsmouth only).

10.5.1. The Housing Officer will:

- a. Record the details on Caseworks+
- b. Follow the policy on Safeguarding Children on the website.
- c. Confirm the telephone call with a referral form to social care. The phone number and form are both available on the website at:

[Keeping Children Safe](#)

10.6. Complaints of anti-social behaviour where child protection issues are raised (Havant only).

10.6.1. The Housing Officer will:

- a. Record the details on Caseworks+
- b. Follow the policy on Safeguarding Children on the HCC website – see:

[Policy and Procedures for the Safeguarding of Children and Vulnerable Adults](#)

10.7. **Complaints of anti-social behaviour where vulnerable adult issues are raised (Portsmouth only)².**

10.8. The Housing Officer will:

- a. Record the details on Caseworks+
- b. Follow the procedures on safeguarding vulnerable adults at:

[safeguarding vulnerable adults](#)

10.9. **Complaints of anti-social behaviour where vulnerable adult issues are raised (Havant only).**

Follow the policy on Safeguarding vulnerable adults on the HCC website – see:

[Policy and Procedures for the Safeguarding of Children and Vulnerable Adults](#)

11. Support for witnesses/ complainants 5 - Out of hours reporting.

- 11.1. Complaints of anti-social behaviour can be reported outside office hours to the housing out of hour's service, telephone 023 9282 4244.
- 11.2. Emergency incidents should be reported to the Police by phoning 999.
- 11.3. Less serious incidents may be reported to the police by phoning 101.
- 11.4. Where reported to the out of hours service, details will be taken down, and if appropriate, the service may send an officer out to act as a professional witness to the incident. The person sent will not get involved in speaking to or negotiating with alleged perpetrators, but may contact the complainant to re-assure them and advise them of the options e.g. calling the police.

12. Support for witnesses/ complainants 6 – legal action

- 12.1. Legal action refers to any action taken directly by the housing service in the courts. The main legal remedy available to the housing service is the enforcement of the tenancy agreement, which is a legally binding contract between the housing service and the tenant. The ultimate sanction for breach of this agreement is eviction.
- 12.2. The full options for legal action that are open to the housing service to pursue are:
 - a. A civil injunction under the ASB, Crime and Policing Act 2014. Typically this orders a perpetrator (or visitor or member of their household) not to behave in a certain way (such as not to harass or intimidate a person), or not to visit a certain area. These injunctions are available against people aged 10 years and over.
 - b. A Possession Order (Discretionary or Absolute). This may lead to an eviction and starts with the service of a Notice of Seeking Possession, but can take as long to achieve as injunctions.
 - c. Demoted tenancies. These are a power available under the Anti-Social Behaviour Act 2003, to remove some security of tenure for tenants causing anti-social behaviour.

²The definition of a vulnerable adult in this instance is any person who may have a disability, a learning difficulty or is older in age.

- d. Forfeiture of lease. Forfeiture means the lease can be terminated and the property reverts to the council. This could arise if the leaseholder breaches the terms of the lease.
- e. Closure powers. A power to close a premise for up to 48 hours (closure notice) or up to 6 months via the court (closure order).
- f. Community Protection Notice (CPN). Notice to stop persistent antisocial individuals, businesses or organisations. Can include requirements to stop or do things or take steps to avoid further ASB.

13. Where legal action is being considered, there will need to be good quality evidence to present to the court. This evidence may come from a variety of sources, such as:

- 13.1. Direct from neighbours and other people in the area– using contemporaneous records (such as a diary of events)
- 13.2. From professional witnesses who have seen or heard the anti-social behaviour at first-hand. Professional witnesses can include Housing Officers, Estate Services Officers, Police Officers, Environmental Health Officers, Police Community Support Officers and Community Wardens.
- 13.3. From private investigators, hired to gather evidence (in exceptional circumstances only).
- 13.4. From CCTV
- 13.5. Hearsay evidence - where a person is told of anti-social behaviour, and may witness its effect upon a person, but does not actually witness the anti-social behaviour at first hand. This is not the ideal evidence but is admissible in court.
- 13.6. In many cases the best and most persuasive evidence that can be given to a court is from the residents directly affected by the anti-social behaviour. They are able to give evidence of the extent and effect of the anti-social behaviour on their everyday lives in a way that other evidence will not provide.
- 13.7. The housing service may provide independent witnesses of its' own, or in addition to the evidence of a neighbour. Wherever possible, the housing service will work with other agencies (such as the Police) to tackle a problem of anti-social behaviour, and encourage such agencies to provide independent witnesses where appropriate. The housing service will also train specific officers (who deal with anti-social behaviour) in giving evidence.
- 13.8. The housing service recognises that gathering the evidence and then preparing and submitting it in court can be an intimidating experience. Witnesses may fear that they will suffer a backlash from the person(s) they will be giving evidence against. They may also fear that their evidence will be undermined and discredited by a defence solicitor in court.
- 13.9. For these reasons the housing service will support witnesses throughout all the court stages, either itself, or through the Court Witness Service.

14. Support will be offered in the following ways:

- 14.1. Pre-court. A case officer will be assigned to help witnesses. They will make sure that support, advice, encouragement and mentoring are offered to witnesses.

- 14.2. Approaching the court hearing. Witnesses will get the opportunity to visit the court on a separate occasion so that they can see what it is like. Witnesses may be introduced to key people at the Court. The housing service will help witnesses to prepare their statement and to prepare for the court hearing.
- 14.3. Day of the Court hearing. The housing service will take witnesses to court and stay with them until they are called to give evidence. The housing service will where possible try to make sure that witnesses can sit in a private room where they will not meet the defendant. The housing service will take witnesses home again after the court hearing and offer to stay with them until they feel safe.
- 14.4. After the Court hearing. In extreme cases the housing service can seek an injunction ordering the defendant not to harass or intimidate witnesses and neighbours. The defendant will be warned of the consequences of failing to comply with the injunction. The housing service will regularly check with witnesses and neighbours that any such orders are being kept to. If they are not, the housing service may apply for an emergency court hearing to re-inforce any such terms. The court can imprison the defendant if they break the terms of an order. The protection of witnesses and jurors has now been extended to civil cases. If they are intimidated they are protected by The Criminal Justice and Public Offence Act 1994 (Section 51)³, and therefore by the police

15. Support for witnesses/ complainants 7 – physical measures

- 15.1. Whether a case is going to court or not, the housing service will offer protection measures to help complainants feel safe in their home.
- 15.2. These may include:
- a. Mortice locks to all external doors
 - b. Window locks to windows accessible from outside
 - c. Safety film for windows
 - d. Safety letter boxes
 - e. CCTV, including advice on a complainant installing their own CCTV
 - f. Mobile telephone
 - g. Personal attack alarm
 - h. Community alarm
- 15.3. These measures will be agreed with complainants and provided free of charge, although the housing service does retain the final say over which measures are provided.

16. Prevention of anti-social behaviour

- 16.1. Preventing anti-social behaviour happening in the first place will always be better than trying to stop it once it has occurred and caused problems. Wherever possible, the housing service will use a range of measures aimed at the prevention of anti-social behaviour. These preventative measures include:

³ The offence of threatening or intimidating witness or witness revenge carries a maximum penalty of five years imprisonment

- a. CCTV
- b. Door Entry Systems
- c. Estate design
- d. Keeping estates clean and tidy to encourage respect for the environment
- e. Acceptable Behaviour Contracts – agreements with people at risk of offending behaviour that they will behave in an appropriate way, and not cause anti-social behaviour.
- f. Estate Services Officers – a uniformed presence on housing estates to discourage anti-social behaviour.
- g. Diversionary projects – the city council local authority housing management continues to finance schemes to encourage young people to channel their energies positively.
- h. Multi-agency partnerships – the city council local authority housing management department works as part of the Safer Portsmouth Partnership to address wider issues of anti-social behaviour. The city council uses the multi-agency approach to discuss and resolve specific issues and to discuss and apply the use of legal orders
- i. Priority Rehousing Panel - people evicted for anti-social behaviour will be considered by the Priority Rehousing Panel as to their suitability for rehousing. They do not have an automatic right to be rehoused.
- j. Tenancy sign-up process - New tenants are taken through the housing service's conditions of tenancy, including those relating to anti-social behaviour and the standards of behaviour required, when signing up for a tenancy.
- k. Family Intervention Tenancy - A family intervention tenancy can be used when all other options have been exhausted, such as when a family requires intensive support to avoid eviction and to break a cycle of anti-social behaviour, such as drug abuse or offending. A family intervention tenancy can only be offered when a possession order for anti-social behaviour is likely to be the only resolution.

17. Rehabilitation of perpetrators and support for vulnerable people

- 17.1. To be effective in the long term in tackling anti-social behaviour, it is vital that the housing service tackles the causes and attempts to remedy them.
- 17.2. Thus whilst placing victims at the centre of the policy, whenever possible the housing service aims to achieve this without seeking to punish perpetrators.
- 17.3. Some of the causes of people's anti-social behaviour stem from issues such as;
 - a. Drug misuse
 - b. Alcohol misuse
 - c. Mental health
 - d. Poor parenting skills
 - e. Domestic abuse

- 17.4. It is important to recognise that people suffering from these problems may be just as likely to be the victims of anti-social behaviour as the perpetrators.
- 17.5. The housing service will tackle these issues in partnership with other agencies. Where the victim or perpetrator of anti-social behaviour has any of these problems, the housing service will arrange or take part in case conferences with other appropriate agencies and agree an action plan to tackle the causes.
- 17.6. Where the perpetrators of anti-social behaviour are identified and are under the age of 16, the housing service will involve other people and agencies as appropriate to resolve the behaviour. This can include discussions and case conferences with:
- a. The young person and their parent(s)
 - b. Schools and Children's Services
 - c. Youth Offending Team
 - d. Police
 - e. Social Care
 - f. Other agencies as appropriate
- 17.7. An assessment of the young person should be carried out where appropriate and local authority housing management will seek to resolve the anti-social behaviour as part of an agreed multi-agency solution before any enforcement action is considered.

18 Enforcement

- 18.1 The housing service's primary aim is to prevent or stop anti-social behaviour from happening. However, in some cases enforcement action will be the most effective and appropriate way of tackling the anti-social behaviour. There are a number of enforcement routes available to the housing service.
- 18.2 **Injunctions and undertakings.** The injunction is a civil order which is available in the county court for adults and in the youth court for juveniles under 18.
- 18.2.1 To obtain an injunction the court must be satisfied that an individual has engaged in, or threatens to engage in, conduct capable of causing nuisance and annoyance.
Possession
- 18.3 **Possession Order.** In extreme cases, the housing service may seek to re-gain possession of a council-owned home, and ultimately to evict the tenant for anti-social behaviour by themselves, their family or visitors. However such actions may merely displace the problem to another area, and also take just as long to achieve than other legal remedies such as injunctions and demoted tenancies.
- 18.4 If a tenant is a "Tolerated Trespasser" – for example s/he has a previous possession order for rent arrears and has as a consequence lost their security of tenure – then it may be necessary to deal with the matter in a different way. This may involve applying to the court to vary the possession order, or to include the evidence of anti-social behaviour when an application to suspend is made.
- 18.5 **Closure of Premises.** The city council works with the police to identify and close down such premises. A joint protocol exists to ensure that this power is used appropriately and effectively. Closure Orders can be sought by the city council or police for premises associated with persistent nuisance.

- 18.6 **Dispersal Powers.** The Anti-Social Behaviour, Crime and Policing Act 2014 require a person committing or likely to commit antisocial behaviour, crime or disorder to leave an area for up to 48 hours.
- 18.7 **Criminal Behaviour Order (CBO).** An Order issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently antisocial individuals who are also engaged in criminal activity.
- The prosecution, in most cases is the Crown Prosecution Service, either at its own initiative or following a request from the police or council.
- 18.8 **Community Protection Notice.** To stop a person aged 16 or over, business or organisation committing antisocial behaviour which spoils the community's way of life?
- 18.9 **Public Spaces Protection Order (PSPO).** An Order designed to stop individuals or groups committing antisocial behaviour in public spaces. Councils issue a PSPO after consultation with the police, Police and Crime Commissioner and other relevant bodies.
- 18.10 **Absolute Ground for Possession.** Social landlords have absolute grounds for possession where antisocial behaviour or criminality has already been proven by another court.

19 Multi-agency partnerships

- 19.1 The city council recognises that multi-agency working offers the best chance of providing an effective and lasting solution to many cases of anti-social behaviour.
- 19.2 At a strategic level the city council is part of the Safer Portsmouth Partnership. The partnership aims to make Portsmouth a safer place to live and work in.
- 19.3 At the operational level, the housing service also takes part in multi-agency case conferences. These are set up when one or more agency has a concern about the anti-social behaviour of an individual. The purpose of the case conference is to use the knowledge and expertise of all those agencies with which the individual has contact, and to reach agreement about the best way to stop, change or channel the anti-social behaviour. Such conferences will where appropriate involve the individual in the discussions and decisions.

20 Data protection and information exchange

- 20.1 Sharing information legally and appropriately – both personal and anonymised data - is an essential part of working in partnership to solve problems and improve services. Portsmouth has developed an Information Sharing Framework that expresses the desire of public service agencies across the city to do this. This document sets out the legal framework for sharing information and provides some helpful templates for developing more detailed agreements between services.

21 Sharing information with tenants and the wider community

- 21.1 There will be occasions when sharing information with residents and the wider community is necessary and desirable to tackle anti-social behaviour.
- 21.2 Some examples include:
- a. Court Orders – these often ban a named individual from certain areas and / or from certain behaviours (e.g. not to harass or intimidate). The housing service

will assess each case on its merits and if necessary follow the Hampshire Constabulary guidance for giving relevant and appropriate information about such Orders to residents living in the areas.

- b. Success in reducing anti-social behaviour - the housing service may give general information (statistics but not personal details) about its' effectiveness in dealing with anti-social behaviour via tenants and residents magazines and similar.
- c. The housing service may give examples of cases where prevention, enforcement or rehabilitation has proved successful, but we will not reveal personal information, or information which could identify an individual, unless that person agrees.
- d. Keeping people informed of progress. - The housing service will keep the neighbours and witnesses to a case informed of progress, but will respect the confidentiality of information held by the housing service or supplied to the housing service under the information sharing protocol.
- e. Statements will be made via the Corporate Communications Team or authorised spokespersons
- f. The city council will obey court decisions regarding publicity and disclosure of information
- g. The city council will publicise cases and initiatives where it is both legal and in the public interest

21.3 Portsmouth City Council will hold personal information, which will be kept safe and confidential. Information will only be shared with other agencies or services if necessary and with the individual's consent. However, there will be occasions when the city council will share information without the individual's consent. These are:

- a. To prevent and detect crime, including benefit and tenancy fraud
- b. To comply with the law or in connection with legal proceedings
- c. If there is a risk to you or others being harmed
- d. If we believe that a child is at risk of being harmed

22 Equality of service

- 22.1 ASB is an area where ensuring equality of access and service is essential. This applies to both complainants and alleged perpetrators.
- 22.2 The fact that ASB and in particular harassment can be directed against a person on the grounds of race, gender, sexual orientation, disability, religious belief or age is recognised in the tenancy conditions, and all tenants are therefore under an obligation not to commit acts of harassment.
- 22.3 The housing service also recognises that issues such as special educational needs, disability or mental health difficulties, of a perpetrator may be highly relevant to his/her behaviour. Where the housing service is aware that a person has a disability, mental health difficulty or special educational needs that are affecting the tenancy, the officer dealing the case will need to find out about these needs. This may mean involving practitioners with specialist knowledge in an assessment to help determine what form intervention (if any is necessary) should take. The enquiries made will

depend on what information is known by the officer and whether the tenant's consent is given.

- 22.4 The housing service will also ensure that those with disabilities, mental health difficulties or special educational needs are not excluded / or unlawfully discriminated against and are able to access the same quality and level of support and have their support needs meet. In such cases it may be appropriate to involve any available support service.

23 Confidentiality

- 23.1 We recognise that complainants may be concerned that their complaint could lead to retaliation by the perpetrator.
- 23.2 All complaints of anti-social behaviour made either to the housing service or PMAS will be treated confidentially.

What this means in practice is:

- a. The name and address of a complainant will never be given to the alleged perpetrator unless specifically requested and agreed by the complainant.
- b. In many cases it will be necessary to discuss the complaint with the alleged perpetrator and to give them examples of the type of behaviour which may be anti-social. From this, alleged perpetrators may guess (accurately or not) the identity of the complainant. Where appropriate, the housing service will warn alleged perpetrators not to harass, intimidate or take revenge, and will pursue legal restraints (such as an injunction) if necessary.
- c. If a case is going to court, it is however normal procedure to include witness statements giving names and addresses of witnesses. However, we will withhold names and addresses from statements where there is good reason to do so, for example fear of witness intimidation.
- d. The name and address of a witness may be revealed in a case conference, but not when the alleged perpetrator is present. All agencies at a case conference are under an agreement to treat information confidentially, and the distribution of minutes of meetings is very carefully controlled.
- e. Hearsay evidence can be kept anonymous and given by a professional witness.

24 Multi-tenure issues

- 24.1 Most of the housing service's housing stock is on multi-tenure estates, where there is a mix of
- a. Housing service tenants
 - b. Housing service leaseholders
 - c. Owner –occupiers
 - d. Housing Association tenants, and
 - e. Private tenants
- 24.2 The majority of the enforcement options (the exception is evictions) can be used regardless of the tenure of the perpetrator. In this way, the existence of multi-tenure estates will rarely be a significant obstacle to working out an effective solution.

24.3 The strategic and operational groups to which the housing service belongs are cross-tenure in their approach to reducing anti-social behaviour, and the housing service will contribute positively to these groups to help bring about effective solutions.

25 Protection of staff

25.1 The city council considers violent or aggressive behaviour directed at staff is not acceptable.

25.2 Dealing with anti-social behaviour can lead to confrontations, the threat of physical violence, and verbal abuse for staff.

25.3 The city council has a 'zero tolerance' approach to these behaviours and will endeavour to ensure the safety, protection and welfare of staff at all times.

25.4 The city council aims to:

- a. Reduce the risk and incidence of violence against council staff
- b. Make appropriate training and information available for staff
- c. Ensure management standards are applied consistently
- d. Minimise the short and long term impact of any ill-health effects experienced by staff following a violent incident
- e. Ensure that the city council has robust systems in place to record, manage and monitor violent incidents.
- f. Investigate incidents to establish why they happened so appropriate actions can be taken to prevent recurrence.
- g. Ensure that employees who have experienced or witnessed incidents feel sufficiently empowered to report them and have them treated seriously and dealt with effectively.

26 Equipping staff to deal with anti-social behaviour

26.1 The housing service recognises that good training for staff is one way of enabling staff to deal with anti-social behaviour effectively, as:

- a. It enables learning from good practice
- b. It keeps staff updated with changes in the law
- c. It enables staff to develop their skill and knowledge base
- d. It provides opportunities for networking and making contacts

26.2 The housing service also believes that training and other ways of acquiring skills and knowledge should be extended to residents and that joint opportunities with partner agencies should be provided.

26.3 The housing service is a member of Resolve ASB a social landlord, national group set up to:

- a. Lobby for legislative change
- b. Share and promote good practice
- c. Run training courses

- d. Offer problem-solving analysis

27 Reviewing this policy and procedures

- 27.1 This policy will be reviewed regularly to take account of developments, especially customer experience and legislative changes. The policy will be reviewed whenever we become aware of any significant changes in legislation, case law, local experience, or fundamental review of the service.

28 Other relevant policies

- 28.1 The city council has several policies related to anti-social behaviour. Those already mentioned in this document are:
- a. Domestic abuse
 - b. Safeguarding vulnerable people
 - c. Data protection
 - d. Information exchange
 - e. Violence and aggression management
- 28.2 Allocation of properties Portsmouth City Council aims to provide affordable housing for rent for local residents in housing need, and to create sustainable, balanced communities. There is a huge demand for affordable rented homes in Portsmouth. The purpose of the allocation scheme is to define a consistent framework, which can be used to allocate the limited number of vacancies that are available. For more information see the full policy [Housing allocation - policy](#)
- 28.3 Other city council policies and guidance relating to anti-social behaviour are:

Policy	Implication for / link to anti-social behaviour policy
Noise nuisance	The city council's Environmental Protection Officers are legally responsible for taking action against people causing noise pollution. For more information see: https://www.portsmouth.gov.uk/ext/documents-external/cm-noise-policy.pdf
Abandoned vehicles	The city council has a policy to remove abandoned vehicles from land other than highways. For more information see: https://www.portsmouth.gov.uk/ext/documents-external/par-vehicle-removal-guidelines-feb-2016.pdf
Fly tipping	The city council has a policy to deal with illegal fly tipping. Fly tipping can be reported on-line at https://www.portsmouth.gov.uk/ext/the-council/report-it
Complaints	The city council aims to resolve complaints about its services quickly and fairly.

Policy	Implication for / link to anti-social behaviour policy
	For more information see: https://www.portsmouth.gov.uk/ext/the-council/transparency/comment-compliment-or-complaint
Equality and diversity	Our vision is that we want Portsmouth City Council to be viewed as a trusted and valued organisation which genuinely acts in the best interests of the people of Portsmouth. The Equality and Diversity Strategy is a plan to link this vision with the every day activities of the local authority which recognises the diverse needs of residents and visitors. For more information see: https://www.portsmouth.gov.uk/ext/community/equality-and-diversity
Resident Development	Helping Portsmouth City Council tenants and leaseholders get work-ready, have a voice and improve your community For more information see: https://www.portsmouth.gov.uk/ext/community/resident-participation

29 AREA HOUSING OFFICE CONTACT DETAILS

Buckland Area Housing Office

57 – 61 Kingston Road

Portsmouth PO2 7DP

Tel: (023) 9260 6500

Landport Area Housing Office

24 Commercial Place

Portsmouth PO1 4DT

Tel: (023) 9260 6400

Leigh Park Area Housing Office

56 Stockheath Road

Leigh Park

Havant PO9 5HQ

Tel: (023) 9230 6900

Paulsgrove Area Housing Office

195a Allaway Avenue

Paulsgrove

Portsmouth PO6 4HG

Tel: (023) 9260 6030

Portsea Area Housing Office

John Pounds Centre, 23 Queens Street

Portsmouth PO1 3HN

Tel: (023) 9260 6200

Somerstown Area Housing Office

Somerstown Central

Tyseley Road

Southsea

PO5 4EZ

Tel: (023) 9260 6300

Wecock Farm Area Housing Office

5 The Kestrels

76 Eagle Avenue

Wecock Farm

Waterlooville PO8 9UB

Tel: (023) 9260 6100

Leasehold Services

Civic offices

Guildhall Square

Portsmouth

PO1 2AX

023 9283 4512

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