



City of Westminster

Committee Agenda

Title: **Climate Action, Housing and Regeneration Policy and Scrutiny Committee**

Meeting Date: **Tuesday 12th September, 2023**

Time: **6.45 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Concia Albert
Gillian Arrindell
Robert Eagleton
David Harvey

Elizabeth Hitchcock
Ed Pitt Ford
Hamza Taouzzale

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



If you require any further information, please contact the Committee Officer, Linda Hunting, Policy and Scrutiny Advisor.

Email: lhunting@westminster.gov.uk
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To approve the minutes of the Committee's previous meeting held on the 19 July 2023.

(Pages 5 - 12)

4. PORTFOLIO UPDATE - CABINET MEMBER FOR CLIMATE ACTION, REGENERATION AND RENTERS

To receive an update from the Cabinet Membership for Climate Action, Regeneration and Renters, Councillor Matt Noble.

(Pages 13 - 18)

5. PORTFOLIO UPDATE - CABINET MEMBER FOR HOUSING

To receive an update from the Cabinet Member for Housing, Councillor Liza Begum.

(Pages 19 - 26)

6. HOUSING ANTI SOCIAL BEHAVIOUR

To provide the Committee with an overview of the Council's management of Housing Anti-Social Behaviour cases, the legal powers, and the partnership working arrangements.

(Pages 27 - 310)

7. WORK PROGRAMME REPORT

**(Pages 311 -
324)**

To discuss and shape the Committee's work programme for the municipal year 2022-2023.

**Stuart Love
Chief Executive
4 September 2023**

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CITY OF WESTMINSTER

MINUTES

Climate Action, Housing and Regeneration Policy and Scrutiny Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Climate Action, Housing and Regeneration Policy and Scrutiny Committee** held on **Wednesday 19th July, 2023**, Rooms 18.01 - 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Concia Albert (Chair), Gillian Arrindell, Robert Eagleton, David Harvey, Tim Mitchell, Ed Pitt Ford, and Hamza Taouzzale.

Also Present: Councillor Liza Begum (Cabinet Member for Housing Services), Councillor Matt Noble (Cabinet Member for Climate Action, Regeneration and Renters), Debbie Jackson (Executive Director Growth and Planning), Frances Martin (Executive Director for Environment and City Management), Damian Hemmings (Head of Climate Emergency), Heather Clarke (Divisional Head of Housing Needs), Greg Roberts (Head of Supply - Housing), Gillian Matthews (Head of Homelessness Prevention), Linda Hunting (Policy and Scrutiny Advisor), Nikki Costain (Cabinet Portfolio Advisor for Councillor Matt Noble) and Nicholas Porter-Ch'ng (Cabinet Portfolio Advisor for Councillor Liza Begum).

1 MEMBERSHIP

- 1.1 The Committee received apologies from Councillor Elizabeth Hitchcock.
- 1.2. The Committee noted that Councillor Tim Mitchell was attending as substitute for Councillor Elizabeth Hitchcock.

2 DECLARATIONS OF INTEREST

- 2.1 The Committee noted there were no declarations of interest.

3 MINUTES

- 3.1 The Committee approved the minutes of its meeting held on 20 June 2023.

RESOLVED:

4.2 That the minutes of the meeting held on 20 June 2023 be signed by the Chair as a correct record of proceedings.

4 PORTFOLIO UPDATE - CABINET MEMBER FOR HOUSING SERVICES

4.1 The Committee received an update from Councillor Liza Begum, Cabinet Member for Housing Services, on priorities for the portfolio and any updates that have arisen. The Cabinet Member responded to questions on the following topics:

- The experience that residents receive from housing services.
- The different types of training that will be offered to housing officers to enable them to be effective in such a multi-faceted role, including working with officers across other functions such as children's services and public health.
- The Rent Support Fund and how the figures included in the Cabinet Member report have been assessed.
- Housing repairs and existing issues with the service from Morgan Sindall, how this is being monitored and how the performance of contractors is being assessed and actions taken.
- Major works and how the increased costs incurred with delays is being managed as regards to the cost implications to residents, including the Leaseholder Repayment Plan.
- The Corporate Housing Improvement Plan (CHIP) and the assessment of major works including cost effectiveness for residents, monitoring of the services, billing, and consultation with residents.
- Major works and the charges that leaseholders are asked to pay (estimate and final payment on completion) and the payment options and billing process.
- The consultation with Resident Associations when major repair works are being undertaken.
- Technology and the repair service, such as the RAPID App, and giving residents the ability to feed back on the service.
- The performance framework and key indicators for CHIP.
- Leaseholder service charges.

ACTIONS:

1. Further details on the Rent Support Fund and how the figures have been decided, including how unspecified wards has been assessed (Table 1 of the report) to be provided to the Committee.
2. Information to be provided to the Committee about how the Council can support leaseholders further when major works that have been significantly delayed are taking place and costs have been increased.
3. Information to be provided to the Committee about the performance framework used for CHIP and what points are considered.

4. Information to be provided to the Committee about the five key indicators of CHIP that have shown progress over the last 12 months.
5. Councillor Arrindell to send the homeless review case example to officers that had been closed whilst in review status and the relief duty in operation.
6. Information to be provided to the Committee about leaseholder service charges.
7. Information about what types of contextual housing data the Committee will receive from September 2023.

5 PORTFOLIO UPDATE - CABINET MEMBER FOR CLIMATE ACTION, REGENERATION AND RENTERS

- 5.1 The Committee received an update from Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters, on priorities for the portfolio and any updates that have arisen. The Cabinet Member responded to questions on the following topics:
- Engagement with residents and the reliance on residents to assist the Council in reaching its climate action goals.
 - Partnerships between residents, the Council, and Westminster businesses working together.
 - The Citizens Assembly and the suggestions made for lobbying, including the challenges such as financial implications to achieving goals and incentives for businesses and residents and empowering businesses to be more responsible themselves.
 - The PDHU (Pimlico District Heating Undertaking) and the cost implications to leaseholders around major works being carried that affect properties as a result of this, including reassurance for leaseholders of the investment that major works creates, such as making a property more marketable and increasing the value in some circumstances.
 - The Climate Action Team and how this cost is met currently by the Council and the agreed budget allocated to 2025.
 - The cost of managing the Green Bond, how that is facilitated by the Council, and any fees the Council deducts from investors for this activity.
 - The total investment into the Green Bond so far and the projects that are being run with that fund by corporate property and how those projects are managed, including the allocation of Council officers time to ensure a return to the investors.
 - The suggestions made by the Green Doctors to move residents across to smart meters and the issues that have been incurred with lower socio-economic groups when they cannot afford to pay the meter and are cut off from energy, and what financial support is available for these residents.
 - The Enterprise Zone at Lisson Arches and who will be the provider to run the space and recruit occupiers, where it is intended the focus will be on creative and local businesses and enterprise.
 - Cosway Street and the pricing of the properties that are being sold by the Council, including that the development cross-subsidies Ashbridge and

Ashmill development and due to the cost implications, Cosway Street was unable to be re-purchased by the Council as part of the Truly Affordable Housing Strategy.

- The amount of short let properties in Westminster and these being able to be fed back into available housing options for the Council.
- MEE's (Minimum Energy Efficiency) and the Council's ability to monitor rented properties within the pilot that are not achieving a minimum Energy rating E.

ACTIONS:

1. Officers to provide the budget for Climate Action team, activities, and the head count of staff.
2. The details regarding the management and facilitation of the Green Bond to be provided to the Committee. To include details from the corporate property portfolio about the costs incurred, any fees the Council charges to investors for facilitating the Bond, and how the costs with staffing that are associated with ensuring a return to investors is off-set or charged to external people.
3. Councillor Arrindell to provide officers with resident cases where energy has been suspended to properties due to advice to low-income residents to have pre-paid smart meters installed.
4. Information to be provided to the Committee about how the Council monitors rented properties under the MEE's pilot that do not meet the minimum energy rating E.

6 THE PROCESS FOR ALLOCATING SOCIAL HOUSING

- 6.1 The Chair welcomed Heather Clarke (Divisional Head of Housing Needs) to introduce the report on the Council's activities to and provide an overview of the report. The Divisional Head of Housing Needs responded to questions on the following topics:
 - The assessment of homelessness, eligibility, priority cases, the review process, decision making, including the 56-day time span, the support provided, and the Homeless Reduction Act obligations and options under the legislation, as well as the evidence required.
 - Housing data, how the demand is assessed.
 - The choice-based lettings scheme and how the bidding scheme works and the differences between registered housing providers.
 - Whether the Council is meeting its statutory duties in housing homelessness, including the waiting time for families and temporary accommodation in light of the increases, and what percentage is awarded to homeless households within the allocation process.
 - Void properties and how the void turnaround process is being carried out and how these properties prioritised by the Council for re-letting, including engagement with incoming potential applicants, and working with the housing repairs team.

- How the void process could be improved through factors such as health and safety, repairs, and gas servicing to increase the turnaround time.
- Residents who have use occupier accounts, such as following a death or another person leaving a property and their status in terms of housing needs and what support is provided by the Council, including any potential transition when the property may be returned for housing re-allocation.
- The need for the allocation scheme to be transparent, visible, and understood by Westminster residents, the importance of a transition scheme, and the need to reflect the diversity in the borough.
- How the priority groups of the allocation scheme work within the bidding process to fill the quota's assigned, how that demand is assessed and waiting times, how people's points may be reassessed, and how applications are reviewed annually as well as residency points.
- How properties that may be under-occupied are assessed by the Council and what initiatives could be implemented to encourage and incentivise residents to down-size, where appropriate, including housing management and tenancy checks, the role of housing managers, and how information held by the Council is updated.

ACTIONS:

1. Information to be provided to the Committee about void properties, to include an analysis of how these are prioritised and how the process works to enable these properties to be re-let through allocations in a timely manner.
2. Information and an analysis about the number of occupier accounts, such as residents in occupation following a death or one of the residents in a property leaving, their status in terms of housing needs, including, what support is provided by the Council for any potential transition should the property be returned for re-allocation, to be provided to the Committee.

7 THE FUTURE OF WESTMINSTER COMMISSION: HOUSING RECOMMENDATIONS & COUNCIL RESPONSE

7.1 The Chair welcomed Debbie Jackson (Executive Director Growth and Planning) to introduce the report on the recommendations of the Future of Westminster Commission and the Council's response provide an overview of the report. The Executive Director Growth and Planning responded to questions on the following topics:

- How the recommendations put forward by the Commission have been challenged by the Cabinet Members and how this is reflected in the report.
- The lack of information about the Commission on the Council's website.
- Where the data supplied in the report by experts has been sourced from.
- Whether the Members of the Commission declared any interests and how this was requested by the Committee.
- Recommendations put forward by the Commission.
- The forward plans and cross-functional delivery for the implementation of CHIP.

- Temporary accommodation the Council owns and the plans for this inside the borough as well as the properties rented by the Council for temporary accommodation close to the borough.
- How the Council intends to deliver the Truly Affordable Housing Strategy.
- The City Plan Review, the Regulation 18 consultation, and full review of the City Plan in 2025.

ACTIONS:

1. Information to be provided to the Committee about whether any Member of the Commission Housing stream received remuneration and if Members were asked about potential declarations of interest.

8 WORK PROGRAMME REPORT

- 8.1 The Chair invited the Policy and Scrutiny Advisor to introduce the Committee to the Work Programme and provide an overview and updates.
- 9.2 The following points regarding the Work Programme were noted by the Committee.
 - A potential change to the Work Programme for September to move the Homelessness and Rough Sleeping paper to later date in the municipal year.
 - The request from the Cabinet Member for Housing Services and officers for the update about the housing of Anti-Social Behaviour to come to this Committee in September.
 - A suggestion was made by the Committee to include an update on the satisfaction of resident victims that report anti-social behaviours in relation to housing in the Anti-Social Behaviour paper and how housing interfaces with others such as the police, including, inviting external parties to the meeting.
 - Housing Associations being invited as external guests to come to Committee. The Committee requested for the ability to be able to ask these groups how they manage many of the housing issues discussed such as mould and condensation and repairs. It was recommended by the Committee to consider the groups which had the larger number of Ombudsmen cases.
 - The RAPID App demonstration for the Committee to be scheduled for September / October as a Member briefing session.
 - A visit to a Housing Officer Training session for Members.
 - The Committee do more site visits that feed into substantive items that will be coming to Committee.
 - The dates chosen for Committee meetings and the large gap in meetings between November and March 2024.
 - The role of the Scrutiny Improvement Review and forthcoming changes to Policy and Scrutiny.

9 ANY OTHER BUSINESS

9.1 The Chair explained to Members the new Cabinet Member role of Councillor Cara Sanquest and the forthcoming changes to Policy and Scrutiny in the Council that will take effect later in the year.

10 TERMINATION OF MEETING

10.1 The Meeting ended at 8.53 pm.

CHAIR: _____

DATE _____

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City of Westminster

**Climate Action,
Housing and
Regeneration Policy
and Scrutiny
Committee**

Date: 30 August 2023
Portfolio: Climate Action, Regeneration & Renters
The Report of: Councillor Matt Noble
Report Author: Nikki Costain
Contact Details: ncostain@westminster.gov.uk

1. Key decisions made in the preceding period since my last Policy & Scrutiny report dated June 2023

2. The following report includes my priorities and delivery progress to date.

3. Climate Action

3.1 Westminster Green Investment

The funds raised from the Green Investment scheme continue to be used to deliver carbon saving energy works at community buildings across Westminster. All works not requiring planning permission are due to be completed by the end of August (14 installations across 10 buildings) saving a total of circa 54 tonnes of carbon dioxide equivalent (CO₂e) per year. The remaining works (three sites) are due to be installed by the end of February 2024, subject to planning permission.

3.2 Home Energy Advice Service

Between June 2022 and July 2023, the Green Doctors service delivered energy advice and support to a total of 339 Westminster households. This includes 139 home visits and 200 telephone consultations. Delivery is split between several funding sources and contracts, including Public Health and the Mayor of London (allocations now complete) and the Westminster Carbon Offset fund (currently active).

As part of the comprehensive advice and support, the Green Doctors advise residents on the benefits and drawbacks of smart meters. The potential for energy companies to remotely switch smart meters to pre-payment is raised with residents. Those at risk of this are advised not to have smart meters installed and are supported to access energy grants and payment plans.

A phone survey of 30 recent service users is underway to provide insight on user satisfaction and impact on residents' energy use, financial status and overall health and wellbeing. Feedback received will inform ongoing service improvement.

The current contract with the Green Doctors has been extended until November to provide continuity of service while a new service is procured. This is anticipated to start in late 2023.

3.3 Sustainable City Charter

The Charter continues to grow and has now reached 40 signatories, with recent additions including the Howard de Walden Estate, Duke Street Properties and Soho Theatre. Our charity partner Centre

for London are progressing with their engagement of Westminster businesses to understand what businesses would want to see in a future Charter 'toolkit' of support and guidance for signatories. A survey is being circulated to this end and will run until 25 September, to be complemented by phone calls and workshops.

A Charter digital portal is in development that will streamline the application process for Charter applicants and host the Charter toolkit and associated support and guidance. The minimum viable product is due to be finalised by October.

We are continuing to develop our support offer for Charter signatories. An exclusive webinar on sustainable procurement and purchasing is scheduled for 20 September, alongside a short promotional event to re-engage businesses who have previously expressed interest in the Charter. A one-year celebration event is also planned to take place in November.

3.4 Citizens' Climate Assembly Update

The Citizen's Climate Assembly took place at the University of Westminster over two weekends in June and July. The final recommendations report from the Assembly is currently being produced by the appointed Assembly facilitator, Involve. The recommendations will be presented to the Council's Climate Leadership Group on 7 September by a delegation of Assembly participants. A report on the recommendations will go to Cabinet on 11 September and then Full Council on 20 September.

The Council is continuing to liaise with Assembly participants to clarify some aspects of the recommendations. All Assembly recommendations will be considered and assessed individually with a view to determining a response. This will have due regard to the council's ability to deliver on recommendations directly, in partnership with wider stakeholders, or via external lobbying or engagement (where actions sit outside of the council's direct control).

Officers are scoping opportunities for ongoing participant engagement and involvement post-Assembly. This will form part of an on-going process of working together with Assembly participants to explore progress on the recommendations and formulate wider activity to respond to the climate emergency. The Council is hosting an evening reception on 28th September at City Hall to express our gratitude to all of those involved in the delivery of the Assembly.

3.5 Local Area Energy Plan

Local Area Energy Planning (LAEP) is the process of gathering extensive data on a local area's energy system, and then using this data to model how the current situation could evolve to create a fully zero-carbon energy system by a given date. In Westminster's case, the outcome of this work should tell us on a practical level what changes we need to make to Westminster's heating and power systems to achieve net zero energy emissions by 2040. The final LAEP report will identify key actions and priority projects for the council to support and/or implement in different parts of the city.

We are now about two-thirds of the way through the LAEP process. Four 'test' future energy scenarios (do nothing / 2040 target with high heat networks / 2040 target with high heat pumps / 2030 accelerated target) were presented to a range of stakeholders on 25 July, including the LAEP Steering Group, BIDs, landowners, other Charter signatories and Neighbourhood Forums. The next stage will involve producing drawing up the final LAEP scenario and report, which will be ready for general review in late September. Officers are currently discussing ways to best widen stakeholder engagement for this final stage of the LAEP process.

4. Regeneration

4.1 Church Street Programme Update

JV partner procurement is progressing well with negotiations ongoing. During July Cabinet gave approval for the council to 'make the CPO' which is anticipated in Q3 23/24. A new approach to demolition is being considered, looking at potential to separate residential and commercial demolition. Procurement for survey work, including asbestos and utilities are ongoing.

4.2 Ebury Bridge

Phase 1 construction continues. On Phase 2 the RIBA stage 3 design work continues and work is underway to incorporate the recent requirements around second staircases for high-rise buildings above 30 meters. Demolition of Phase 2 is underway.

4.3 Balmoral & Darwin House Update

Construction of Block A continues to programme with good progress on site. Piling is complete and ground floor slab is underway. Appropriation underway. Block B feasibility to begin during September.

4.4 Lisson Arches

Site completed and handed over to Housing, with residents moving into 'Daventry House' during August. Final highways work completing during September. Support is being provided to Penn House residents around the rehousing process with rents kept at the same levels as their existing homes. Procurement of the Enterprise Zone operator is ongoing.

4.5 Ashbridge, Ashmill and Cosway

Ashmill reached Practical Completion in February 2023, providing 2 family sized homes. Ashbridge completed 23rd June, providing 26 social rent homes.

Cosway Street is in the final stages of construction and is expected to complete end of August 2023. This project will provide 49 market sale homes to cross subsidise affordable delivery across the programme. As of 29 August, good sales progress has been made with 29 homes exchanged, 8 reserved or under offer, and 12 available. Completion in accordance with the revised timescales is the focus for the team.

4.6 Carlton Dene

Demolition completed 7 July 2023. The award of the main works stage 1 works has been formally approved by Cabinet Member and contracts have been executed. Planning amendments have been submitted for the proposed design changes i.e., tenure change (100% social rent). The project team including colleagues from Development, Adult Social Care (ASC) and Housing have considered a hybrid operator model whereby Housing would undertake all FM responsibilities, tenant management, and rent collection and ASC would manage the care service only. This was agreed in principle as a delivery solution and will be detailed prior to a Full Business Case being delivered.

4.7 Westmead

Full Business Case and main works Award of Contract have been approved by Cabinet Member. JCT contracts are being finalised and due to be engrossed during September. Project team kick-off meeting was held in August. Planning conditions discharge is progressing, and the Value Engineering design is underway with a pre-app due to be submitted during September.

4.8 Luxborough

Main works are progressing well at Luxborough as the Party Wall Attenuation tank was installed on the 4th August, manhole rings and sewer head completed, and rear Green Wall earth pits completed at Tower Gardens, among other site activities. The Boiler Flue settlement agreement and party wall

awards have been progressed at Newcastle House. A settlement with BT has also been approved internally and an offer is to be made under S202 powers regarding rights of light. The S73 Planning amendment for the tenure change has been submitted and is currently in consultation, being managed by Wates Planning Consultant Rapleys.

4.9 291 Harrow Rd

Consultant team procurement is progressing with a number of tenders going live, including the Architect tender, Project Manager Tender and Cost Consultant tender. The Gate 2 procurement papers for Structural, MEP, Planning and Landscape Architect have been endorsed by CGRB subject to minor amendments. The Leader of the Council has been briefed on 291 Harrow Road by the project lead.

4.10 Adpar, Queens Park Court, Torridon

Construction continues with good progress being made at all three sites. The ground floor slab at Adpar is now complete and the 1st floor slab is being cast. The Nursery Wall and Middle carpark programme are being finalised at Queens Park Court, and the Topping out Ceremony was held on 10th August. The flat block has also been topped out at Torridon, making further site progress.

4.11 Lisson Grove Programme

Lisson Grove Programme Board took place during July, and the collaborative Workshop Away Day also took place. UKPN Penetrative Test during August confirmed that the UKPN cable has been decommissioned. Bromley by Bow Centre have distributed the detailed analysis following engagement and workshops with the Council Services and Health and Community Groups. Levitts (Architects) have circulated the Options Review Documents for Lilestone St and Orchardson for review.

5. Renters

5.1 Private Rented Sector Strategy 2021 - 2025

A key action from the Strategy is to develop a private rented sector (PRS) Charter and work is continuing on this. The Charter is intended to inform and empower tenants, while at the same time highlighting routes by which landlords can access support. It should also provide a useful signposting tool for local partners. The Charter is being developed with the PRS Strategy Group and will be next discussed in September / October.

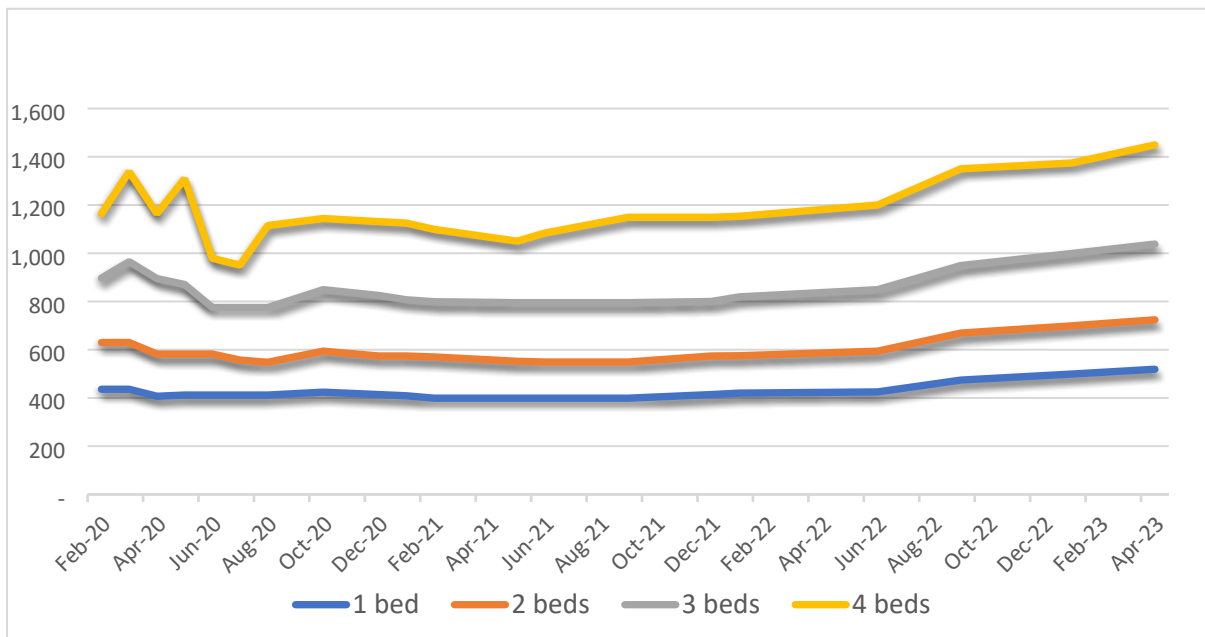
Regular Landlord Forum are also part of the PRS Strategy and the next one is planned for the Autumn and is likely to cover the Renters Reform Bill.

5.2 Private Rented Sector Market

The PRS Strategy Group regularly considers the local market changes. Rents are continuing to rise across all bedroom sizes in Westminster as the table below shows. The gap between Local Housing Allowance (LHA) rates and lower end rents is also widening – rising from £135 per week in June 2022 to £258 per week in April 2023¹.

¹ Based on Hometrack data for 30th percentile rents compared with LHA rates for central London

Table: Median Westminster Rents (Hometrack)



Advice organisations are seeing rents increasing, rising evictions due to this and huge demand for properties with tenants having to pay significant amounts up front to secure a property. Multiple reasons are likely to be causing these increases including rising interest rates, the resumption of the student market, energy prices and the legacy from Covid.

These market changes are seen across London, with a recent report commissioned by the GLA² finding rental listings 41% down in 2023 compared with 2017 and asking rents 20% higher compared with March 2020. Between January – March 2023 only 2.3% of listings were within LHA rates.

² www.londoncouncils.gov.uk/members-area/member-briefings/housing-and-planning/private-rented-sector-supply-london#:~:text=Initial%20research%20commissioned%20by%20Capital,the%20pre%2DCOVID%20quarterly%20average

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City of Westminster

Climate Action, Regeneration and Housing Policy and Scrutiny Committee

Date:	12 September 2023
Portfolio:	Housing Services
The Report of:	Councillor Liza Begum, Cabinet Member for Housing Services
Report Author and Contact Details:	Nick Porter-Ch'ng nporter-ch'ng@westminster.gov.uk

The following report includes my priority and delivery progress to date:

1.0 Improving our housing services

1.1 Communications & Engagement

Engagement sessions with staff continue being undertaken including estate office visits, walkabouts, one-to-ones.

Hosted a meeting with the Residents Panel and Residents Associations chairs with the Housing Ombudsman in attendance and we are working with them on areas such as Major Works and Repairs

New website landing page for housing has gone live and all the housing content (apart from homelessness) has been reviewed and updated

Publicity of good news items includes:

- Videos with Repairs and Customer Services team members
- Reopening of Grosvenor Community Hall
- New council homes being built at Queens Park Court
- Ongoing promotion of the rent support fund

1.2 People & Culture

We have been working with staff to develop a new Housing Vision and Values. The new vision and values will underpin the way we and our partners interact with residents and deliver services.

We have been working on plans for a new Housing Induction, the first sessions of which will take place in November. We have engaged with Housing staff at the frontline forums to help design the new Induction.

Facilities management for the Housing Service Centres has moved to a new team within Corporate Property at the start of August. This means that we now have a dedicated resource for managing facilities.

A Housing Service Centre improvement plan is being developed setting out a range of improvements we will be making in our Housing Service centres including upgrades to carpets, furniture and IT. We have engaged with Housing staff to find out what upgrades they would like to see taking place in the Housing Service Centres.

We have been running a series of Frontline Forum meetings with Housing staff to brief staff about any changes within Housing and to seek feedback from staff about any changes they would like to see.

1.3 Resident Experience

At the centre of our improvement programme is the focus on resident experience. We know that many of our residents do not receive the service that is expected. Work is underway with our staff and partnering contractors to refresh our Vision and Values, and the resident experience is core to this. We are collaboratively changing the way we work, working together to be more responsive and empathetic. This includes rolling out joint training for all staff and contractors.

We have appointed a temporary Head of Resident Experience to coordinate a number of work streams. The aim is to provide a more personal and supportive approach for residents with more complex issues or those who are more vulnerable, with dedicated officers working closely with residents. This includes a focus on developing a culture of learning from feedback and complaints.

1.4 Repairs

The improvement to the repairs service is a key priority. A deep dive of the service has been undertaken and an improvement plan with senior oversight is in place to ensure progress is being made. We complete approximately 74,000 repair jobs each year with our 5 contractors. To date our primary focus has been on working on the responsive repairs delivered by our main contractor, Morgan Sindall, which accounts for 54% of all responsive jobs. This is the area in need of greatest improvement, and we are working closely together with a focus on providing a better repairs experience for our residents.

Focus on primary responsive repair contract

Daily review meetings are carried out with our main repairs contractor focusing on operational delivery, including clearing overdue repairs, management of damp and mould, process improvements and handling of complex repair casework. This is supported by weekly senior meetings to track progress and manage risks. A key focus is on the winter planning and the management of repairs for vulnerable residents.

The key areas of performance of this contract are summarised below:

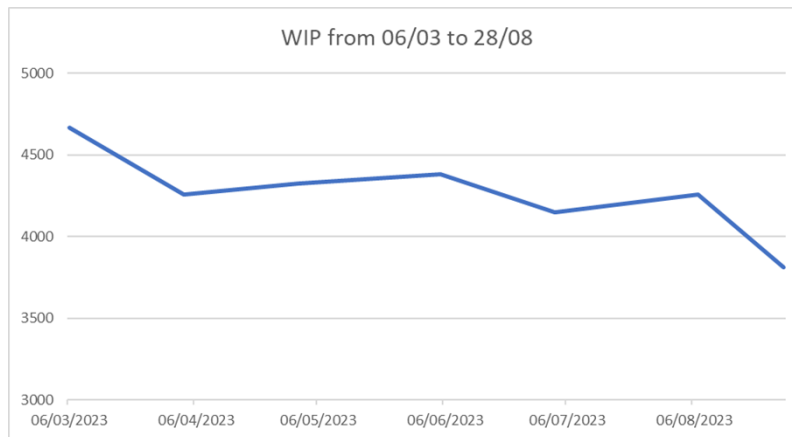
- Every repair job when reported is prioritised and is allocated a target date based on its priority category (see table below).
- In the last 12 months up to 31st August 2023, our responsive repairs contractor completed 40,092 jobs. Of those 33% were emergency, 26% were urgent and the remaining 41% were routine. Of these jobs 71% were complete in target, and this has improved to 78% from April to September this year. The number of repairs complete within target and average time taken for this financial year is shown in the table below.

Repair Job Completion Rate and Time to Complete (for both In Flat & Communal)

Repair priority	Target	April 23	May 23	June 23	July 23
Routine Repairs In Target	90%	85.2%	85.1%	86.2%	85.1%
Routine – Average Time to complete	28 (days)	48 days	42	37	32
Urgent Repairs In Target	90%	87.8%	87.5%	86.5%	86.0%
Urgent – Average Time to complete	3 days	13 days	11	13	14
Emergency Repairs In Target	98%	98.1%	99.3%	98.9%	98.9%
Emergency – Average Time to complete	Up to 1 day	0.1 days	0.2	0.1	0

- Emergency jobs are continuing to perform strongly. This continues to be a priority area to ensure that the immediate action needed is being taken.
- Urgent jobs are currently below target, and this is a focus of the improvement. This is driven by a number of factors including scheduling performance, service delays, follow on works being booked but original jobs not being cancelled and where there are complex jobs that require specialised materials & parts. Some of these reasons are administrative and we are working with the contractor to ensure we have more effective systems and processes in place.
- Routine jobs are also performing below target, however, there has been significant improvement in the average time to complete each job. This improvement has been driven by several factors including:
 - More operatives have been employed by the contractor to cover vacancies.
 - Productivity per operative has increased from 2.1 jobs per day to 3.8 which allows more jobs per day to be completed.
 - We have worked with repairs and Contact Centre staff to diagnose jobs with more accuracy to allow more to be classed as routine.
 - We have worked with the contractor to make more appointments available to be booked at the point of contact to reduce process delays.
 - Co-located the contractors 'planners' to improve communications and efficiency.

Live repairs jobs are managed as 'work in progress' or 'WIP' and are captured as a snapshot at the beginning of each week. This figure is approximately 10% of the total annual jobs completed at any one time. The WIP figure does not capture the jobs completed each week, only those awaiting completion every Monday. For example, there were approximately 130 jobs completed each day in August 2023 and 664 each week in the last 2 months. We have been tracking the WIP since March and the chart below shows the WIP volume was 4668 on 6th March and had reduced to 3811 on 28th August. This is a 19% reduction in the WIP. Our target is to have a WIP of approximately 3900 which is considered good practice.



This work and focus will now also be progressing across the other contracts and parts of the service.

Next steps

Whilst there has been improvement, there is significant work to do, including a focus on improving the resident experience and quality of repairs. We have heard extensive feedback from residents including through complaints, and this will continue to be central to our work. We have an upcoming session on the repair's improvement with the Resident Panel and Chairs of Resident Association and we will be establishing a resident working group to support us with this work.

The improvement programme is continuing and is bringing together leadership and support from across the Council, ensuring maximum collaboration and benefit from the expertise and resources of the wider Council, in delivering future housing services for our residents. The upcoming actions include:

- The roll out of Customer Empathy training across the service and with contractors
- Developing a suite of new policies and standards for the repairs service, including a new repairs charter setting out what residents can expect from the service; policies for damp and mould, window opening, void property management and an overarching repairs policy. These will be developed with residents.
- Reviewing our processes and ways of working for identifying and supporting vulnerable residents.
- Establishing resident sign off processes for both in flat and communal repairs.
- Ensuring follow on appointments are being booked by operatives with the resident in their home.
- Scoping the potential for a Westminster direct labour team focused on communal and estate-based repairs.
- Continuing to improve our systems, process and quality of data with a focus on improving resident experience

1.5 Mould and Condensation

The mould and damp team is fully recruited to, with a dedicated team of four operatives, surveyors, and an experienced repairs manager overseeing performance.

The number of damp and mould cases reported by both tenants and leaseholders has reduced over the summer period, and the number of open cases that we are actively managing has

also reduced. At the end of August, we had 154 open cases for tenants, compared with 520 cases at the end of April. This continues to be a priority for the service.

		April	May	June	July	August
Tenants	Live Cases	520	363	258	180	154
	Completed Cases	207	267	209	169	115
	New Cases Raised	150	110	104	91	85
Leaseholders	Live Cases	44	18	17	18	16
	Completed Cases	18	34	7	6	4
	New Cases Raised	8	8	6	7	2

1.6 Rent Support Fund

At the end of week 21 (27/08/2023), we have awarded £448,564.62 to 1,066 tenancies, with the average award in the sum of £420.79. We are working with communications on the next phase of the campaign. An overview of spend by ward is included below:

Ward	Sum of Award (£)	Number of Awards
Abbey Road	-£ 8,259.16	19
Bayswater	-£ 9,606.22	21
Church Street	-£ 33,731.10	84
Harrow Road	-£ 10,430.94	23
Knightsbridge and Belgravia	-£ 16,111.42	39
Lancaster Gate	-£ 7,369.96	20
Little Venice	-£ 17,642.55	43
Maida Vale	-£ 14,006.72	32
Marylebone	-£ 1,967.42	5
Out of Borough	-£ 1,621.88	5
Pimlico North	-£ 59,167.40	132
Pimlico South	-£ 51,790.24	120
Queen's Park	-£ 83,425.08	203
Regent's Park	-£ 10,002.46	25
St James's	-£ 4,947.80	12
Vincent Square	-£ 28,564.38	68
West End	-£ 7,581.86	20
Westbourne	-£ 82,338.03	195
Grand Total	-£ 448,564.62	1,066

1.7 Leasehold Conference

The fourth annual leasehold conference was held on the 22 July 2023 at Church Gardens resident's hall. This was the first-year post Covid where we were able to meet with our residents out on their estates. There was a very strong response to the conference with more than 150 leaseholders attending in person.

I opened the conference and the feedback received by residents about the conference via our online form was positive. Officers from across housing hosted stalls from 10am to 3pm from services such as ASB, the contact centre, HMO, housing, leasehold, repairs, resident

engagement, sustainability, health and safety, and the housing improvement programme. We also had external support from Westminster CAB, Green Doctors, and LEASE.

1.8 Resident Associations

- Recent joint meetings with the Chairs of local resident groups have been positive. Residents have valued the opportunity to hear from each other and to discuss how the resident engagement team can help them reflect the diversity of the community they represent.
- The Brunel Estate Sounding Board has reformed, and this group is making good progress. There have been a series of positive Sounding Board meetings with attendance from relevant Housing staff. The Sounding Board will be holding a Community Event on the Brunel Estate in September.
- This September, we are supporting resident events happening every weekend (Lisson Green, Carlton Vale, John Aird Court and Brunel).
- We are also helping new resident groups to get established, for example on Mozart and at West End Gate (Bond and Lawrence Mansions).
- We are providing targeted and tailored community engagement support to some of our existing groups that need assistance.
- The Housing Ombudsman is visiting the Lillington and Longmore Resident Association on 21st September to talk about his service. Our officers will be attending to listen to feedback and take forward the action needed.

1.9 Housing Service Centres

We are planning to increase the number of Housing Service Centres from 4 to 8. We opened the first new Housing Service Centre at Bruckner Street on the 5th of June. The next service centre to be opened will be situated at the Lillington and Longmore Estate on Charlwood Street which will open next month. In addition, we are planning to open a Housing Service Centre in Soho and we are working in partnership with the Communities Team to open a Community Hub in Bayswater.

1.10 PDHU Updates

A full-time engagement officer has been appointed for PDHU and started in the role in August. She has familiarised herself with the engagement plan prepared and has introduced herself to Resident associations. Resident associations have also been contracted and invited to a Workshop in October to shape the resident engagement required during and after the outline Business case is completed mid 2024 for long term investment in PDHU.

Both an experienced Project management consultancy and technical advice consultancy have been appointed (subject to call in) following a procurement exercise. This will provide the Council with the required expertise to take forward the right investment in PDHU for the Council and its residents connected to the district heating system.

1.11 HSS Updates and homelessness data

Rough Sleeping

Westminster Council delivers six street counts a year, bi-monthly. These counts give us additional understanding of the numbers and need on our street; However, they do not reflect the transient nature of rough sleeping or evidence the significant 'flow' of rough sleepers who move through Westminster in any period.

The last count took place on the 25th of July and 234 individuals were identified during the count. This saw a 9% increase from 215 individuals who were found in the May street count. We also saw an increase of those not known to services or where we were unable to establish details on the night, our frontline services have worked to match these contacts with data on CHAIN to confirm as many as possible.

During June and July 2023, we saw 168 referrals were made to accommodation pathways and 74 referrals were made to partner services, for support around Mental health, physical health, and adult social care interventions for those in need.

Homelessness

Homelessness continues to be an area of demand for Westminster, and across London, and we have experienced an increase in approaches to the Housing Solutions Service by 33.4% between April – July 2023 compared to the previous year, with 1613 approaches so far this year compared to 1209 last year.

We continue to see some success achieving the prevention of homelessness, currently 13% higher, averaging 57 per month between April – July 2023 compared to 50 per month the previous year.

However, we have seen a significant increase over the first 4 months of 2023/24 in main duty acceptances and have seen a 93% increase, with 241 cases being accepted compared to 125 at this point the previous year.

Temporary Accommodation

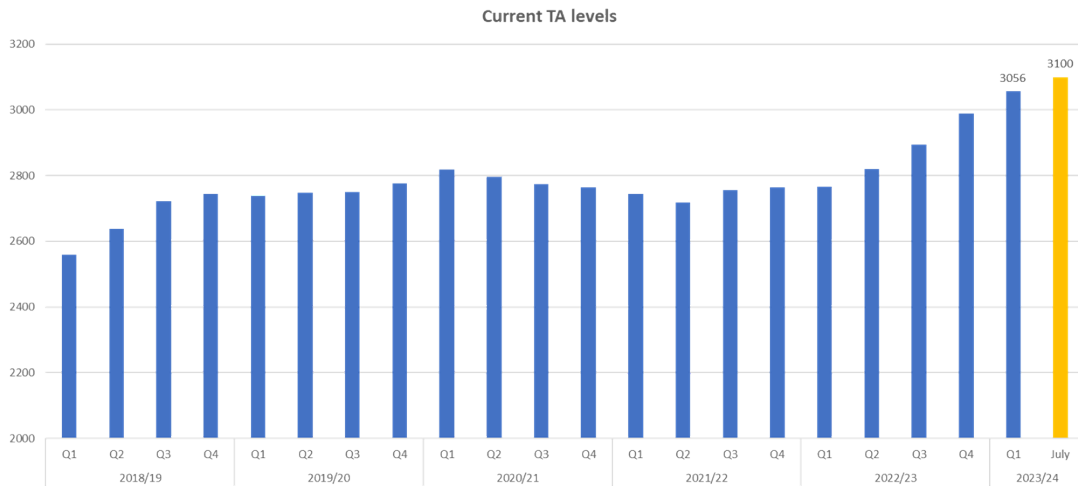
The Council procures both Temporary Accommodation (TA) and private rented sector in line with the Temporary Accommodation Procurement Policy, which is updated annually.

Westminster currently manages a total temporary accommodation stock of over 3100 properties, over 1200 are in-borough and the majority of the remainder is in East and North London. Over 310 have been directly purchased by the Council for use as TA.

There are over 20 suppliers of TA to the Council. These vary from Registered Providers who lease properties directly from landlords and then to the Council and manage the properties, Registered Providers that own properties and use as TA, private property owners with a portfolio of various properties or own one block, or voluntary sector suppliers.

In accommodating single homeless households, we have a range of larger block provision within and outside the borough and these include self-contained blocks in Westminster such as Newman Street (81 units) and Frampton Street (46 units)

The market to secure accommodation for use for TA across London is very challenging reflecting the demands from households in housing need increasing the requirement for TA, together with reduced availability of properties to meet need; this has led to the use of some commercial hotels in particular circumstances where there was no other available accommodation specific to individual needs



Quality of Temporary Accommodation provision

The provision of Temporary Accommodation must be suitable for homeless households in terms of size, cost and location and is a statutory requirement for all local authorities. Units should comply with the TA Standards and all the TA Providers are required to meet these standards. Once a property becomes void as a re-let and let, the TA Provider must confirm that the property has full compliance with the standards and as part of the procedure, a certificate of supply is submitted to Housing Solution Service containing property details etc. including a gas electric certificate etc. Providers are also required to take photographs/ videos of vacant properties before letting.

The City Council and the Housing Solutions Services also have an inspection regime in place to regularly inspect TA in addition to the TA Providers own inspection programme. In addition, the 'Setting the Standards' (STS) programme started in September 2020 as a Pan-London approach to ensure TA, specifically Bed and Breakfast (B&B), Hostels, Houses in Multiple Occupation (HMO.) The project links together a dedicated central inspections team, with a purpose-built STS IT system to share data across the participating authorities. This is a focus of the improvement programme.



City of Westminster

Climate Action, Housing and Regeneration Policy and Scrutiny Committee

01 September 2023

Date:

Classification:

General Release

Title:

Housing Anti-Social Behaviour

Report of:

Chris Shoubridge, Divisional Head of Housing
Neighbourhoods

Cabinet Member Portfolio

Councillor Liza Begum - Cabinet Member for
Housing Services

Wards Involved:

All

Policy Context:

Westminster City Council Anti-Social Behaviour
Strategy 2023 – 2028

**Report Author and
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1. Executive Summary

This report outlines the approach to the management of Housing Anti-Social Behaviour cases, the legal powers utilised by the Housing ASB team and the partnership working arrangements we have in place.

2. Current Housing ASB Stats

There was a significant increase in ASB cases reported by Council residents during the Covid lockdown period as many residents remained at home.

It should be noted that as a result of the Covid lockdown period there was a significant backlog within the courts which has led to delays in cases being heard. This has only recently started to improve.

From April 2021 we have seen an annual reduction in the number of cases being reported down from 48 per month for 2021/22 to 34 per month for 2023/24.

Since 2019 the three categories of ASB with the highest case numbers have remained consistent. These are drug use, verbal abuse and noise.

The Mozart Estate has consistently been a hotspot for ASB. Following reports of antisocial behaviour in 2020/21 an estate wide injunction was granted from 13 July 2021 for 2 years for both the Mozart Estate and the Lydford Estate. In addition to this

the Housing ASB team secured an injunction against two named individuals on the Mozart Estate banning them from the estate for 2 years. These injunctions have now been extended for a further two years.

According to police data there has been a 58% overall decline in calls to them relating to ASB since the injunction orders for the Mozart and Lydford estates were issued.

We have also used an Estate Security Patrol pilot to target a number of ASB hotspots.

Open ASB Cases	Current total – 134 cases West 38 cases North 34 cases South 36 cases Central 26 cases <ul style="list-style-type: none"> • Cases managed so far (1 April 23 - current): 168 cases. • Cases managed 2022/23 - 466. • Cases managed 2021/22 - 571. • Cases managed 2020/21 - 730. • Cases managed 2019/20 - 548.
Current Top 3 ASB Categories	Drug use / dealing - 34 cases. Verbal abuse / harassment - 31 cases. Noise - 30 cases.
Current Top 3 Wards/Estates	Mozart Estate - 15 cases Little Venice - 14 cases Bayswater - 11 cases
ASB Case Handling Resident Satisfaction	Year to date - 66% (as of July 2023) 2020/21 - 65% 2021/22 - 63%
Current number of Legal Cases	45 (This includes cases waiting for court hearing dates)

ASB Case Actions – (Since 1 April 2023)

These tables set out formal enforcement actions taken by the Housing ASB team.

Notice of Seeking Possession	17
Possession Proceedings	5
Eviction	3

Civil Injunction - Individual	9
Civil Injunction – Estate Wide	2
Closure Order	2
Referrals to PPL for Closure Orders	3

Year 2022/23

Notice of Seeking Possession	15
Possession Proceedings	2
Eviction	1
Civil Injunction - Individual	8
Civil Injunction – Estate Wide	3
Closure Order	2

Year 2021/22

Notice of Seeking Possession	36
Eviction	1
Civil Injunction - Individual	8
Civil Injunction – Estate Wide	2
Closure Order	5
LBAs	27
ABAs/ ABCs	12

3. What is anti-social behaviour?

Section 218A of the Housing Act 1996 (as amended by section 12 of the Anti-Social Behaviour Act 2003) requires Local Authority landlords to publish their policies and procedures in relation to managing ASB. The Council's statement and policies and procedures can be found on the Council's website in discharge of this duty.

For Westminster City Council tenants, the Tenancy Agreement sets out the responsibilities of the tenant/s.

- Section 4 of the Conditions - "Living with your neighbours" - lists the responsibilities of all introductory, secure, flexible and demoted tenants. The list of tenant responsibilities is set out in the appendices of the Statement of ASB Policies and Procedures (Appendix A).

For Westminster City Council lessees (owners of flats) the obligations and responsibilities are set out in the lease. Covenants and Regulations vary between leases, depending on when the flat was sold. However, all leases contain a general covenant to ensure lessees (as well as members of their household and visitors) do not cause nuisance or inconvenience to their neighbours.

Lessees who sublet their flats remain responsible for their tenants' conduct and will be liable for any breaches of the lease caused by their tenants' behaviour. If lessees fail to comply with any covenant(s) or regulation(s) they risk being in breach of their lease.

We define anti-social behaviour as follows: -

- Acting in a manner that causes or is likely to cause harassment, alarm or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises.
- Conduct capable of causing nuisance or annoyance to any person which directly or indirectly relates to or affects our housing management functions.
- Using or threatening to use residential premises for immoral or illegal purposes.

ASB includes:

- Verbal abuse/harassment/intimidation/ threatening behaviour.
- Hate related incidents.
- Domestic abuse.
- Physical violence – other than domestic abuse.
- Noise.
- Drug / substance misuse & dealing.
- Alcohol related nuisance.
- Prostitution/sexual acts/kerb crawling.
- Vehicle nuisance.
- Pets and animal nuisance.
- Misuse of communal areas.
- Vandalism and damage to property.
- Litter / rubbish / fly-tipping.
- Garden nuisance.
- Criminal behaviour.

4. How can Council residents report Anti-social behaviour?

Residents can report ASB in the following ways:

- Calling, emailing or writing to the Housing Contact Centre.
- Online Live chat.
- Online through the MyWestminster portal or through the Westminster City Council website.
- In person to one of our five Housing Service Centres.
- Someone acting on behalf of the resident e.g., a Councillor or a Care Manager can make a report.

If a complaint about ASB is reported we aim to respond, where resources permit, within 20 minutes during office hours where the ASB is in progress, and within 24 hours in all other cases.

Outside of office hours complainants may contact our emergency out-of-hours service. Depending on the circumstances, the out of hours service may advise the caller to contact the Police, or the Council's 24/7 Noise Team. They may also contact the local duty officer for advice, as necessary. Details of the report will be forwarded to the Housing ASB team the next working day, for appropriate follow-up action.

An FAQ factsheet for Council residents is published on the Council's website covering many aspects of ASB reporting, and we have a further range of topic specific FAQ sheets which are due to be uploaded shortly. (Appendix D).

5. How do we manage ASB cases?

We have a team of 8 Housing ASB Case Officers. All reports of ASB are assigned to a named case officer and logged on our housing management system and a risk assessment is completed. Cases are triaged by the call handler and 'lower level' cases such as minor neighbour disputes or issues in communal areas are forwarded to the local Housing team to address, while more serious cases are then managed as open ASB cases. The Case Officer ensures that the case is logged with the appropriate category, both for ASB case management purposes and for recording ASB statistics (examples of which are provided below).

The complainant and case manager will discuss how the complaint will be investigated and the timescales. The complainant will be advised how to notify us of any further incidents should they occur, and the complainant will be sent an "Our Promise" letter which outlines what the case officer will do and how often they will contact them. ASB Case Officers will keep in weekly contact with the complainant/s for the duration of the case unless otherwise agreed with the complainant. An action plan setting out how the complaint will be dealt with is agreed with the complainant.

ASB Case Officers investigate reports of ASB. This may include interviewing complainants, alleged perpetrators, and witnesses. This may include contacting other residents to find out if they are experiencing similar ASB, contacting the relevant Housing Officer, contacting any known support services and liaising with a range of partners such as the Police, Probation services, Adult Social Care, Mental Health services, Integrated Gangs Unit (IGXU) etc. Since 2021 the team have also used the noise app – this is an application that can be downloaded on to any smart device and allows residents to submit short bursts of noise recordings directly to the officer for review.

At the point of any case closure the resident who has reported the ASB is informed that their case will be closed, and they are asked to complete a satisfaction survey. The survey consists of five questions relating to how satisfied they are with the handling and outcome of the case, and the empathy support and contact they had from the case officer. This KPI is monitored through the monthly Housing performance dashboard and the current baseline target is 60% satisfaction with case handling.

6. Tenant Management Organisations

We have 8 Tenant Management Organisations who investigate and deal with initial complaints of ASB. They then refer any complex ASB cases to the Housing ASB team which includes cases where legal action is required. The only exception is the

Millbank Estate Management Organisation (MEMO) who retain for responsibility for managing all ASB cases from start to finish, including taking enforcement action.

7. Non legal Enforcement

The Housing ASB team use a range of measures to tackle ASB. In many cases, awareness of the impact of the behaviour on victims, and the threat of more formal enforcement, may be sufficient to encourage an individual to change their behaviour. The ASB team will assess the most appropriate measure to be used, depending on the nature of the complaint. The following are non-legal measures and forms of intervention:

- ASB Case Officer meeting with the alleged perpetrator. Some ASB cases can be resolved through discussion with the alleged perpetrator.
- Dear Neighbour Card – We encourage residents to resolve issues directly with their neighbours where appropriate.
- Warning letter (for breach of the Tenancy or Lease Agreement).
- Banning letters. These are non-legal letters sent to individuals who are known to us, or residents on another estate who have come to notice in a location on our estates causing nuisance. This is served in the presence of parents and guardians where the individual is under 18. This is a measure taken before considering legal action.
- Mediation. We are currently agreeing a contract with a new service “London School of Mediation” who are London based and we are sourcing courses to upskill our staff internally with early mediation skills.
- Arranging additional support for the alleged perpetrator where appropriate. This could involve working with Mental Health Services to arrange additional support. This could involve referrals to a range of agencies such as the SHP Floating Support Service or Adult Social Care.
- An Acceptable Behaviour Contract (ABC). Used where the alleged perpetrator is under the age of 18. A voluntary agreement between a young person and the ASB team, the Police and the Council’s Early Help Team (who work with young people), endorsed by the parents of the young person.
- Referrals to early help to support parents and families where they are experiencing behaviour problems.
- Acceptable Behaviour Agreements. Similar to ABC agreements but used for adults. This is a non-legal agreement. If adhered to it would prevent legal action being taken for breach of the tenancy or lease agreement.
- Referral to the Police where criminal activity has been reported.
- Residents are given the Noise App for reporting noise where appropriate.
- Noise Abatement Notice may be issued by the Noise Team for Statutory Noise Nuisance.
- Joint visits with relevant agencies such as the Police, IGXU worker or support professional.
- Management Transfer. Where a Household is at risk the case may be referred to the Management Transfer Panel for review. There are cases where a Household needs to be moved urgently.

8. Legal enforcement

The legal powers available to the Housing ASB team are based on enforcement of the terms of the tenancy or lease agreement. In addition to this there are powers established by the Anti-social Behaviour, Crime and Policing Act 2014 and a number of other acts. The Home Office has produced statutory guidance for frontline professionals in the use of Anti-social behaviour powers (Appendix C).

All legal action will need to satisfy the court that it is right to grant the sanction sought. This means that the Council will need to provide robust evidence (the best is from direct witnesses) and show that the sanction is reasonable and proportionate. The court will also consider factors around any vulnerability of the perpetrator and so the Council will have to show it has considered this. The more severe the action, the stronger the Council's case will need to be. The case file for any legal case will include every action and measure that the ASB team have exhausted, the equality considerations towards the perpetrator(s) and all supporting evidence, the case officer must clearly demonstrate that the legal action is required to stop the ASB.

Before proceeding with legal action, which can be costly and resource intensive, the ASB team will discuss the likelihood of success with Legal Services to ensure it is the correct course of action to take and justifies the use of public funds required.

Court hearings are set by the courts and there can be lengthy delays and backlogs (particularly post-pandemic) and adjournments, which the Council cannot control. The ASB team will ensure that victims are supported throughout the process and keep them updated with progress of the case.

It is also important to note that residents tend to be our key witnesses aside from us as professional witnesses and other partnering agencies, therefore our evidence relies heavily on resident reports and whether we can gain witness statements from those directly affected. (For more information on witness statements, please see Appendix E.)

The following are legal measures:

Letter Before Action (LBA)

Courts expect the perpetrator to have been given the opportunity to address their behaviour before the matter is referred to them. These letters are usually sent on Legal Services headed paper and can often have a deterrent effect without the need for further formal legal action.

Possession Proceedings for tenants

Notice of Seeking Possession (NoSP) is a legal notice can be used in relation to Council tenants for breach of the tenancy agreement. The Notice sets out the behaviour that is in breach of the agreement. This is the first step when applying for possession of the property.

Following the service of a NoSP should the ASB persist a Court application for possession of the property can be made. The Housing ASB team in partnership with Legal Services prepare the case documents. This legal action could result in a

Suspended Possession Order where a tenant can remain in the property subject to adhering to the terms of the order or it could lead to an eviction.

The Anti-social Behaviour, Crime and Policing Act 2014 introduced a new power. This can be used where a tenant has been charged with a criminal offence. This is a 'Mandatory' ground meaning that if the tenancy breach is proved at Court eviction would be granted.

Council tenants have a 12-month introductory period. Within this period a tenancy can be ended where a breach can be proved. An Introductory Tenancy can be extended for up to a further 6 months.

Possession proceedings for leaseholders – forfeiture

A Section 146 Notice can be served which could lead to Forfeiture of the Lease. The lessee could lose not only their home but also any equity in the property. Additionally, they will remain liable for any monies secured against the property.

Evictions and Closure Orders

When seeking a Closure Order the ASB Case Officer may work with support services to find the perpetrator suitable alternative accommodation. This could include working with partners to arrange rehabilitation.

The Council will assess whether or not it has a legal duty to rehouse anyone who has been evicted if they subsequently present as homeless.

In doing so it will consider whether the former resident has made themselves 'intentionally homeless', which is likely to be the case if evicted for ASB and this will count against them. More vulnerable households such as families may still be rehoused.

What happens after eviction?

Any eligible person who becomes homeless or is threatened with homelessness is offered some form of assistance under the housing act 1996 part VII (as amended by the homelessness reduction act 2017).

Regardless of the cause of homelessness anyone who is homeless is owed a duty by the council to help them to find somewhere else to live. This is often known as the homelessness relief duty. If successful i.e., the applicant finds somewhere to live, then the application is closed.

If we are unable to relieve homelessness, then the next step is to decide if the main duty is owed. The main duty is where the council owes the applicant a priority place on the housing register and a commitment to provide temporary accommodation pending an allocation of social housing. Applicants who are found to be intentionally homeless are not accepted for the main duty.

When it comes to applicants who are homeless due to ASB the relief duty will look at the applicants housing needs and their support needs. If there are factors such as mental health or substance misuse, then the relief option may be to refer them to

supported accommodation/hostel. If this referral is successful, then the application is closed.

When considering the main duty and therefore intentional homelessness, factors such as mental health will play a part. Mental health may be a mitigating factor where it may be said the applicant was not aware of the relevant facts or that their acts weren't deliberate due to the type of mental illness they might have. Enquiries are made with mental health professionals before the main duty decision is made.

Sensitive Lets

Where residents have been seriously impacted by the behaviour of an individual or family at a property, the housing team can request for the property to be registered as a "sensitive let" once the resident(s) have been evicted. It's important we do not restrict housing for those who are on the waiting list without just reason, but we can prevent an individual or family moving in who have been known to cause previous issues in relation to ASB at a past address.

Civil Injunction

The injunction under Part 1 of the 2014 Act is a civil power to deal with anti-social individuals.

An injunction can apply to an individual but can also be applied to an area such as an estate. Applications against individuals who are 18 years of age or over must be made in the county court or High Court, and applications against individuals who are under 18 must be made in the youth court.

The injunction will include relevant prohibitions to get individuals to stop behaving anti-socially. It can also include positive requirements to get the individual to deal with the underlying cause of their behaviour. The court may exclude a perpetrator over the age of 18 from any premises or an area specified within the terms of the injunction.

The court can attach a power of arrest to any prohibition or requirement in the injunction, except a positive requirement. The court can only attach a power of arrest in certain circumstances. Where a power of arrest is attached to a condition of the injunction, a police officer can arrest the respondent without warrant if he or she has reasonable cause to believe that a breach has occurred. For adults, breach is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine.

Closure Order

A Closure notice can be used to restrict access to a property to a person who is a visitor and is not the named tenant. Following the issuing of a Closure Notice, an application must be made to the magistrates' court for a Closure Order. A Closure Order can be applied for which if granted by the court, can prohibit access to those who routinely live at the premises. These are led by the police or PP&L and supported by the Housing ASB team. We use this power where a property has been taken over by drug users which is also known as "cuckooing".

Community Protection Notice

This Notice can be used to tackle persistent and unreasonable behaviour. A written warning must first be given. If this does not stop the behaviour a Community Protection Notice can be issued.

Noise Abatement Order

The Council Noise Team can issue a Noise Abatement Order where noise nuisance is deemed to be of a statutory nature. Failure to comply with the Notice is an offence. The matter is heard in the Magistrates Court, which could result in a fine of up to £5,000.

Public Spaces Protection Order

This is a council power designed to stop individuals or groups committing ASB in public spaces. This power can be used in collaboration with the Police.

Criminal Behaviour Order

Can be issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. The Order will include prohibitions to stop the anti-social behaviour but can also include positive requirements to get the offender to address the underlying causes of their behaviour.

Breach of the order is a criminal offence.

Dispersal Power

A Police power which requires a person committing or likely to commit anti-social behaviour, crime, or disorder to leave an area for up to 48 hours.

CCTV

CCTV is often sought as a tool to address recurring issues, and Housing have access to over 500 hundred cameras across the stock and redeployable cameras for shorter term case management. Applications are considered by a Governance group to ensure compliance with data protection law. There is often high demand for new CCTV installations and the capacity of the team and contractors responsible can sometimes be stretched.

We have produced a CCTV factsheet for residents. (Appendix F).

Estate Security Patrol

As part of our work to tackle Anti-social behavior, WCC Housing have been running a pilot scheme of estate patrol officers since November 2022.

The pilot scheme is focused on four estates Lisson Green, Hallfield Estate, Lydford Estate and, Lillington and Longmore but the patrol is also targeted at ASB issues across our Housing stock as directed by the Housing ASB team.

The pilot service consists of two uniformed patrol officers (SIA Licensed) in a dedicated branded patrol vehicle. The officers patrol designated blocks and estates within Westminster to gather intelligence, identify, deter and remedy any Antisocial behaviour where possible. They attend emergencies and manage rough sleeping issues in an appropriate manner. The officers also report any issues such as graffiti and repair issues directly to the Estate Services team so that they can take appropriate action.

The patrol officers are equipped with mobile devices enabling constant communication and to log any issues and their whereabouts during shifts. The pilot service runs 7 days a week and shifts are 10 hours long. The hours of operation are 6pm to 4am, but there are some shifts at an earlier time so that joint visits with local Housing teams or the Police can also take place.

Security Pilot Consultation and Engagement

As part of this pilot a consultation and engagement plan was developed. An initial consultation with 4 key resident Associations / Groups took place in May 2023 with the aim of reviewing the effectiveness of the service and seeking feedback.

In September 2023 a second consultation with resident groups and residents who have benefitted from the service will take place to get feedback on the pilot service and to discuss the future of a roaming security service.

The initial 12-month pilot project has been funded by the HRA. Should residents be supportive of running such a service on their estates the residents would need to agree to pay a service charge to fund this.

9. ASB Communication

The Housing ASB Service manager meets with our housing communications team on a fortnightly basis. Good news stories are published in the E-newsletter to residents and planning is arranged for key events throughout the year, these include:

Autumn nights

This is the time between Halloween and Bonfire night. A Multi-Agency approach is taken to ensure preventative measures are taken to stop any nuisance and disorder. This is a result of serious disorder in 2016. The housing ASB team lead on these measures for Westminster housing estates including joint visits with partners and warning letters issued to young people and individuals who have previously come to notice and ensuring that our estates are secure including bin rooms being locked, bulk rubbish being cleared and communication of letters and notices out to all residents.

ASB awareness week

The housing ASB team have been taking part in ASB awareness week since its launch in 2019. The week is hosted by RESOLVE who we are members of. RESOLVE is a best practice organisation which supports Housing providers to tackle ASB.

The week runs from 3 – 9 July and it highlights how we take ASB seriously through a range of events and activities across our estates and with our partners. The events and outcomes are published in the August E-newsletter.

10. WCC ASB Strategy and partnership working

The Housing ASB service has worked in partnership with Public Protection and Licencing and a range of other agencies to develop an ASB strategy for the borough. The strategy sets out the multi-agency partnership approach to tackling ASB in the borough. (Appendix B WCC ASB Strategy 2023-2028.)

Partners include:

- Public Protection & Licencing including the Noise Team.
- Adult Social Care
- Childrens Social Care
- Youth Offending Team
- Mental Health Services
- Floating support (SHP)
- Victim Support
- Turning Point- tackling substance misuse
- Police
- Probation Services
- Integrated Gangs Unit

Police

Our Housing ASB team work closely with local police ward teams. Case officers will attend various case conference style meetings with the police, and they will attend ward panel meetings attended by the local community which are usually held quarterly for each ward. In addition, the case officer and local police officers will attend monthly internal neighbourhood meetings hosted by PPL- they will agree priorities and actions such as joint visits, patrols and weapon sweeps.

The ASB team will work with the local police to understand where the local hotspots are and what locations are a priority in response to the reports they are receiving. Where there are high levels of reports, case officers will request a Design Out Crime report (DOCO) - this is where a qualified police officer will provide recommendations to make a location or estate more secure, recommendations do not take into account budget or planning limitations but can include things like; gates, blocking off areas, removing planters and CCTV.

IGXU

The “Gangs and Exploitation (GAX)” Panel is held monthly by the IGXU and attended by the housing ASB team to work together to track higher level gang members who are causing serious concern and potentially targeting those who are vulnerable.

PP&L Noise Team

Where repeat noise complaints are received the Housing ASB team will take a proactive approach and work collaboratively with the Noise Service to investigate. While a resolution is initially sought through informal measures, the Housing ASB team will look to utilise the Noise App where appropriate and progress to planned proactive visits with the Noise Service or use of the Noise Service monitoring equipment. The Housing ASB team are made aware if any Council residents are served with a Noise Abatement notice so that the team can promptly serve any tenant with a Notice of Seeking Possession or any lessee with a legal warning.

For 2022-23 the Noise Service issued 41 Noise Abatement notices, 7 of these were served to residents within Westminster housing stock. Three of these properties are occupied by private tenants of leaseholders and four are occupied by social housing tenants. Two of these tenants received a notice of seeking possession on discretionary grounds following service of a noise abatement notice.

ASB Case Review (formerly known as the Community Trigger)

This process gives victims of persistent anti-social behaviour the ability to demand a formal case review where the locally defined threshold is met (three reports of ASB within a 6-month period), in order to determine whether there is further action that can be taken.

The Housing ASB team promote the ASB case review as it provides victims with a voice and provides the opportunity for an unbiased panel to review their case. The Housing Ombudsman recently published a report about ASB and recommended that councils need to promote the ASB case review and make it more accessible for victims.

The Housing ASB Team work closely with PP&L and a range of partners where an ASB Case Review is accepted.

11. Vulnerability

The Home Office states that when making use of the powers provided by the ASB Crime and Policing Act 2014 particular consideration should be given to the needs and circumstances of the most vulnerable when applying the powers to ensure that they are not disproportionately and unreasonably impacted upon, and local agencies must be satisfied that the behaviour meets the legal tests. Any use of these powers must be compliant with the Human Rights Act 1998, the Equality Act 2010 (in particular the public sector equality duty pursuant to section 149) along with all other relevant legislation.

When managing the response to a complaint of ASB, the ASB team will consider whether the perpetrator may require specialist support to address problems and behaviours which are impacting on the wider community. This may include perpetrators with drug or alcohol dependency, mental and physical health needs, young people at risk of offending or further offending, gang members, families in need of support.

The ASB Case Officer will check if the alleged perpetrator has any current support in place. They may need to check if the individual is known to Adult or Children's Social Care and/or Mental Health Services. Where appropriate they will discuss the available support options with the perpetrator and/or the perpetrator's family in the case of young people. These options include:

- The Tenancy Support Service provided by SHP offers advice and assistance to adult perpetrators whose tenancy is threatened because of their ASB or other serious breaches of their tenancy conditions. Tenants eligible to receive support may be vulnerable for a variety of reasons including drug or alcohol misuse or mental health problems.
- Support to users of drugs and alcohol is also available through the commissioned services.
- Support to juvenile perpetrators is offered through various diversion schemes and through engagement with the Council's Young People's Practitioners (YPPs), and the Early Help Specialist Practitioner (Anti-Social Behaviour). The offer of support to juvenile perpetrators is also an integral part of the ABC procedure, through which we can offer a range of services either directly or by referring the young person to other relevant agencies.
- Support to gang members is offered through the 'Your Choice' programme, which is managed by the City Council's Integrated Gangs Unit (IGXU).
- Support to families at risk of losing their home as a result of ASB may be offered, in appropriate circumstances, through the City Council's Family Recovery Programme which also includes a Family Coaching Service.

Housing Complex Case Panel (HCCP)

The ASB Case Officer may refer the resident to the HCCP if there are other factors involved. This is a monthly meeting chaired by Housing and held with professionals from Adults and Childrens Services and support agencies, to share information and agree an appropriate action plan.

Safeguarding

The ASB Case Officer will consider whether a victim of ASB may have been specifically targeted because of their vulnerability. If there are concerns about potential adult abuse, the ASB team will liaise with Adult Services (Safeguarding Team) and the Police as appropriate.

Victim Support

The housing ASB team have various ways in which they can offer support to Victims of ASB. This is generally through referrals to other support agencies such as floating support and Victim Support. (For more information about our Floating support service see Appendix G). Victim Support is an independent charity that can be contacted directly by the victim or through a referral by the ASB case officer, they provide support to those who have been victims to serious ASB and crime.

See appendix H for Housing ASB Case Studies.

12. Next Steps for the Housing ASB Service

We are planning to reimplement the Orchard Housing Management System to the latest version which should significantly improve the case management system and reporting tools available to the Housing ASB team.

The Housing ASB team will continue to work closely with the Serious Youth Violence Reduction Board and the IGXU to tackle youth violence across our estates.

Capital works are planned at the Lillington & Longmore estate following a Designing Out Crime assessment of the estate. Planning permission has now been granted for works to proceed. This includes works to increase security at entrances and deter unauthorised access.

We are arranging additional safeguarding training for all of our frontline teams relating to safeguarding both adults and children and we will be implementing a new procedure relating to how we record vulnerability and how we will tailor our services to support vulnerable residents.

We are planning to consult with relevant residents' groups about the effectiveness of the Estate Security Patrol in September 2023. Following this there will be a wider consultation with residents regarding whether they are willing to pay a service charge to fund such a service on their estates in the longer term.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Report Author

cshoubridge@westminster.gov.uk

APPENDICES:

For any supplementary documentation, especially from external stakeholders or documents which do not fit this template.

A: Statement of ASB Policies and Procedures.

B: WCC ASB Strategy 2023-2028.

C: Home Office Anti-social Behaviour, Crime and Policing Act 2014. Anti-social behaviour powers. Statutory guidance for frontline professionals. Revised in March 2023.

D: ASB factsheet for residents.

E: Witness statement and evidence factsheet for residents.

F: CCTV factsheet for residents.

G: Floating support factsheet.

H: Housing ASB case studies.



STATEMENT OF POLICIES AND PROCEDURES ON TACKLING ANTI-SOCIAL BEHAVIOUR

HOUSING ACT 1996 s218A

Section 218A of the Housing Act 1996 (as amended by section 12 of the Anti-Social Behaviour Act 2003) requires local housing authorities, as landlords, to prepare and publish policies and procedures in relation to ASB in the following documents:

- A Statement of Policies and Procedures on ASB
- A Summary of current policies and procedures on ASB

This Statement of Policies & Procedures has been revised and updated in consultation with residents, partners and stakeholders. It is effective from 30th May 2014 and has since been reviewed to reflect legislative changes brought in by the Anti-social behaviour, crime and policing Act 2014.

It has been further reviewed in March 2019 to reflect the fact that CityWest Homes transfers to Westminster City Council on 1 April 2019.

It will be further reviewed as and when appropriate.

Copies of the Statement are available from the Westminster City Council website www.westminster.org.uk/yourhousing and in hard copy from Westminster City Council, 64 Victoria Street, London SW1E 6QP. Copies of the Summary will be available shortly on the Westminster City Council website and from all area offices.

Copies of the Statement and Summary can be provided in alternative formats (for example, large print and audio format) on request.

Throughout the Statement and Summary Westminster City Council ("the City Council") as Landlord is referred to as "we". The City Council's policies and procedures as landlord are referred to as "our" policies and procedures.

The City Council's tenancies and leases are managed by Westminster City Council with effect from 1 April 2019.



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POLICIES

1 INTRODUCTION

Westminster has a unique population of residents, the business community, visitors and tourists. Reducing crime, disorder and ASB is a major concern for Westminster residents.

As a Landlord we are firmly committed to tackling anti-social behaviour (ASB). We know that the inconsiderate and anti-social behaviour of a small number of residents can have a significant impact on the lives of many more.

Living in the vibrant, diverse and dynamic city that is London, we expect our residents to accept a certain level of noise from day-to-day living and be tolerant of other people's lifestyles but, we also expect our residents to behave in an acceptable manner at all times.

We recognise that resolving antisocial behaviour means developing and maintaining close partnerships between the City Council, local residents, the police and other statutory and voluntary agencies if we are to achieve successful outcomes.

By working in partnership, and by using our collective resources, knowledge, skills and enforcement powers, we are determined to ensure that residents are able to enjoy safety, security and quality of life both in their homes and in the wider neighbourhood.

2 WHAT IS ANTI-SOCIAL BEHAVIOUR (ASB)?

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that may many people's lives a misery – from litter and vandalism to public drunkenness or aggressive dogs, to noisy or abusive neighbours”

We define anti-social behaviour as follows:-

- Acting in a manner that causes or is likely to cause harassment, alarm or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises.
- Conduct capable of causing nuisance or annoyance to any person which directly or indirectly relates to or affects our housing management functions.
- Using or threatening to use residential premises for immoral or illegal purposes.

When we use the term 'person' in the above definitions of ASB this includes:

- anyone who has a right to live in property owned or managed by the Council.



- people living in any other property in the neighbourhood (for example, owner occupiers, tenants of other landlords).
- anyone else who is lawfully in such property or in the locality (for example, people working or using local facilities).

When we use the term 'housing management functions' in the above definitions of ASB we mean any activity we carry out in the day-to-day and strategic management of our housing stock. Examples include:

- tenant and community participation.
- building maintenance and repairs.
- cleaning and grounds maintenance.
- rent and rent arrears collection.
- neighbourhood management and dispute resolution.

Matters which 'indirectly relate to or affect' our housing management functions could include activities such as:

- the provision of social care or housing support to people living in Council homes.
- agencies/contractors providing environmental health and refuse collection services.
- any other activities which help us to deliver an efficient Landlord service.

How we categorise ASB

We use the Housemark ASB Benchmarking Categories which are based on the National Standard for Incident Recording 2011.

Examples of activities by category that may cause ASB include but are not limited to the following:

- **Verbal abuse/harassment/intimidation/ threatening behaviour** - including groups or individuals making threats, verbal abuse, bullying, following people, pestering people, voyeurism, sending nasty / offensive letters, obscene / nuisance phone calls, menacing gestures.
- **Hate related incidents** – based on race or ethnicity, sexual orientation, gender identity, disability, religion or belief, age, HIV or AIDS status, mental health.
- **Domestic abuse**
- **Physical violence** – other than domestic abuse.
- **Noise** - including noisy neighbours, noisy cars / motorbikes, loud music, alarms (persistent ringing / malfunction) including car alarms, noise from pubs / clubs, noise from business / industry, loud parties.



- **Drug / substance misuse & dealing** – including taking drugs, sniffing volatile substances, discarding needles / drug paraphernalia, “Crack houses”, presence of dealers or users.
- **Alcohol related nuisance** – including drunken behaviour.
- **Prostitution/sexual acts/kerb crawling** – including inappropriate sexual conduct, indecent exposure and soliciting
- **Vehicle nuisance** - including abandoned cars, illegal parking, car repairs, setting vehicles alight, joyriding and riding of mopeds, cycling / skateboarding in pedestrian areas / footpaths
- **Pets and animal nuisance** - including uncontrolled animals e.g. on balconies and footpaths, feeding pigeons, fouling in communal areas, excessive noise or odours from animals
- **Misuse of communal areas/ public space/ loitering** - including urinating in public, setting fires (not directed at specific persons or property), inappropriate use of fireworks, throwing missiles, climbing on buildings, impeding access to communal areas and rowdy behaviour - including shouting & swearing, fighting, hooliganism / loutish behaviour.
- **Vandalism and damage to property** - including graffiti, criminal damage.
- **Litter / rubbish / fly-tipping** - including dropping litter, dumping rubbish, fly-posting.
- **Garden nuisance** – including keeping an untidy and unsightly garden, and inconsiderate use of communal gardens.
- **Criminal behaviour** – other than that recorded in other categories.



3 WHAT IS OUR GENERAL APPROACH TO ASB?

In summary, our general approach to ASB is based on the following principles:

- We will not tolerate ASB in any form.
- We expect our residents to behave in an acceptable manner at all times. Our Conditions of Tenancy set out the standards of behaviour that are acceptable.
- Our standard lease conditions set out the obligations of residents who have bought their flats.
- We will respond promptly to all reports of ASB and in accordance with our published service standards.
- We will treat all complaints impartially and maintain confidentiality at all times.
- We will support and advise complainants, victims and witnesses of ASB throughout the process of tackling the problem.
- Any action we take will be reasonable and proportionate to the nature and scale of the problem.
- We will take full account of the impact of the ASB on the complainant and wider community.
- We actively promote **prevention** to foster an environment where anti-social behaviour is less likely to arise in the first place. We currently invest around £1.5 million per year to provide security improvements, tackle crime and disorder and divert young people from anti-social behaviour. Section 10 below lists our policies on preventing anti-social behaviour.
- By using appropriate and timely **intervention** we aim to resolve complaints at the earliest opportunity, for example by sending warning letters, offering mediation, making use of Acceptable Behaviour Contracts (ABCs), Acceptable Behaviour Agreements (ABAs), making appropriate referrals for support. Section 11 below lists our policies on intervention.
- We use our **enforcement** powers in appropriate circumstances and in particular where all other attempts at resolution have either failed or have been exhausted. Section 12 below lists our policies on taking enforcement action.
- Where enforcement is considered necessary, we will take action at the earliest and most appropriate opportunity, making use of our powers such as civil injunctions, possession action and demotion orders.



- We will generally only use possession action where all other interventions and attempts to change behaviour have failed.
- However, we will not hesitate to pursue possession action at an early stage, including as a measure of first resort, in cases which are of a serious or criminal nature and cause upset/distress to the community, and where such action is proportionate and reasonable in the circumstances. In these circumstances we will use our new powers as appropriate to seek possession using the mandatory ground for possession.
- We continue to develop a wide range of initiatives to combat nuisance, harassment and ASB, based on learning from resident and stakeholder feedback and comparing our performance with other organisations.

How do we deliver our ASB service?

Our ASB service is managed and delivered in house by the City Council. We provide a comprehensive Landlord housing management service to residents in the Council's housing stock.

We deliver the frontline housing management service from 5 Area Service Centres (North, West, Central, South & Queens Park).

We also work with 8 Tenant Management Organisations (TMOs) which are responsible for providing frontline housing management services according to their management agreements.

Our Anti-social behaviour services team ("ASB team") provides a comprehensive service managing all complaints of ASB from start to finish.

All TMOs investigate and deal with initial complaints of ASB. Wherever possible they aim to resolve complaints at the local level. If this is not possible cases are referred to the ASB team.

The only exception is the Millbank Estate Management Organisation (MEMO) who retain responsibility for managing all ASB cases from start to finish, including taking enforcement action.

The frontline teams are supported by a Community Safety Manager.

Any complaints about the ASB service are dealt with through our Complaints Procedure, details of which are given in the Procedures part of this Statement (see Section 22).

4 WHAT IS THE STRATEGIC CONTEXT?

Today Westminster is widely recognised as a global city. Over 240,000 people live in the borough; half a million more work in the borough and, in total, over a million people enter the city on a daily basis for the many tourist and entertainment attractions on offer.



This unique combination of residents, visitors, tourists and the business community presents significant challenges when working to make the city a safer place to live, work and visit.

Below are the key partnerships and plans which underpin the Council's strategy for reducing crime, disorder and ASB in Westminster.

At the broadest level

Safer Westminster Partnership

The Safer Westminster Partnership is a statutory partnership established as a consequence of the Crime and Disorder Act 1998. The Partnership has a duty to conduct an audit of crime, disorder, anti-social behaviour and drug misuse in Westminster, to consult widely on the findings and set strategies to tackle the issues identified.

The Partnership is currently led by the City Council and comprises the Police, London Fire Brigade, health service and probation service. The strategic priorities for the Partnership are decided on a 3 yearly basis and are set out in the Partnership's current Crime and Disorder Reduction Strategy for 2011 - 2014. They are:

- Tackling violence and disorder associated with the nighttime economy in Westminster.
- Preventing young people getting involved in serious youth violence and supporting them to reduce their offending.
- Developing new mechanisms to address re-offending across the city.
- Reducing repeat victimisation and violence against women and girls and bringing the perpetrators to justice.
- Addressing the harm caused by substance misuse and its impact on Westminster residents.

Each of these priorities has a number of objectives, associated activities and delivery milestones.

The Partnership takes its regional priorities from the Mayor's Office for Policing and Crime (MOPAC) which also controls funding for crime and disorder initiatives.

The City Council has also established a Crime Board to ensure clarity of focus on its contribution to the Safer Westminster Partnership strategy. It meets quarterly and is chaired by the Cabinet Member with responsibility for Community Protection.



Better City, Better Lives

Better City, Better Lives is a five-year plan (2013 – 2018) which sets out the vision of the Leader of the Council to make Westminster a safer, healthier, more enterprising and more connected city.

With regard to the ambition of achieving a safer, healthier city the plan sets out a number of key projects for delivering more visible enforcement and improved public access to the Police.

Other City Council strategies and plans

Our policies and procedures for tackling ASB also compliment and support the following strategies and plans:

Westminster Housing Strategy

This sets out the Council's plans for delivering its strategic housing objectives.

The relevant priority within this strategy is 'Improving neighbourhoods and quality of life' which includes the following aims:

- Promoting safe and sustainable neighbourhoods
- Improving opportunities for children and young people

Housing Renewal Strategy

The Council's Housing Renewal Strategy has objectives to promote a high quality of life for people of all ages and backgrounds, in safe, cohesive and healthy neighbourhoods, supported by a range of high-quality housing and excellent community facilities.

Tackling nuisance, anti-social behaviour and crime was one of the most frequently raised issues during public consultation on the draft Housing Renewal Strategy. Improving security of access to blocks, door entry controls and sensitively designing the layout of open spaces was viewed as beneficial to tackling nuisance behaviour as well as enhancing resident perceptions of safety.

Tenancy Strategy

As part of our Tenancy Strategy, we introduced flexible tenancies in September 2013. A flexible tenancy is a form of secure tenancy, which is for a fixed period, and was created under the Localism Act 2011. The majority of our flexible tenancies will be for a period of five years (two years in certain circumstances).

Although a flexible tenancy contains many features of a secure tenancy, the main difference is that a secure tenancy can only be brought to an end by the landlord if a court order is granted, *and* the court considers that possession is reasonable. With a flexible tenancy, the court *must* award the landlord possession as long as the fixed



term has expired, the correct notices have been served, the landlord's decision not to renew is in line with its tenancy policy, and any request to review that decision has been considered.

We believe that this new form of tenure will help to reinforce the responsibilities of the tenancy agreement - social housing comes with responsibilities and flexible (fixed term) tenancies provide an opportunity to help address issues such as anti-social behaviour. They give the Council the option not to renew the tenancy at the end of the fixed term (in serious cases of tenancy breach, including ASB) or to renew it for a shorter period of two years - for example, where the tenant has not kept to an agreement to correct a breach of the tenancy agreement during the flexible tenancy.

Flexible tenancies will therefore be a valuable tool in helping to encourage responsible conduct of a tenancy and to deter ASB.

Housing Services Business Plan

This sets out the Council's overall annual objectives for housing services in the city. In 2013/14 the Business Plan supports one of the principal aims of the Better City, Better Lives strategy: 'Ensuring a safer Westminster'.

Specifically, one of the key outcomes within the Business Plan is: 'Improving quality of life, protecting vulnerable people and supporting people to make their own housing and life choices'.

This is underpinned by the following Service Priority: 'Maximise use of enforcement and all other tools available to produce more robust and decisive action to tackle ASB'.

The Westminster Joint Health & Wellbeing Strategy

Westminster's Joint Health & Wellbeing Board brings together leaders from across health services, adults and children services and the community. The Board is responsible for identifying and tackling complex health and wellbeing issues which cannot be tackled by a single organisation alone.

The Board has produced a Health and Wellbeing Strategy which sets out a long-term vision for the health and wellbeing of communities in the city of Westminster. The Board's vision is a future where 'all people in Westminster are able to enjoy a healthier city and healthier life'.

The strategy has five high-level goals which the Board will be working towards over the 15-year period until 2028. To help achieve those goals the Board has identified five priorities on which to focus in the period 2013 to 2016.

Priority 2 – 'Enabling young people to have a healthy adulthood' – focuses support on a number of areas which the Board believes will make the greatest difference to the health and wellbeing of young people, one of which is preventing youth violence.



We have four Area Resident Panels - North, South, Central and West - made up of resident representatives acting on a voluntary basis. The Resident Panels act as our Tenants' Panel (as required by the Localism Act 2011) and perform a scrutiny role in relation to how we meet the national standards, including how effectively we deal with ASB.

Statutory duties, responsibilities and powers

Our ASB policy and procedures are compatible with our statutory duties and responsibilities.

Together with our partners, we will make full use of the powers available to us under relevant legislation, including the following Acts of Parliament:

- Housing Acts 1985 and 1996
- Children Act 1989
- Environmental Protection Act 1990
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Local Government Act 2000
- Homelessness Act 2002
- Anti-Social Behaviour Act 2003
- Fireworks Act 2003
- Police & Justice Act 2006
- Equality Act 2010
- Anti-social behaviour, crime and policing Act 2014

5 WHAT ARE THE OBLIGATIONS OF TENANTS AND LESSEES?

Tenants

The City Council has comprehensive Conditions of Tenancy in place for all tenants, with a specific section covering ASB. Section 4 of the Conditions - "Living with your neighbours" - lists the responsibilities of all introductory, secure, flexible and demoted tenants and is attached at Appendix B. We also have a Tenant's Handbook, which gives more information on ASB.

The Conditions of Tenancy make it clear that all tenants are responsible for the behaviour of all members of the household, including children, lodgers and visitors.

Lessees

The obligations and responsibilities of lessees (owners of flats) are set out in the lease. These "do's & don'ts" are called 'Covenants' and 'Regulations'.

Covenants and Regulations vary between leases, depending on when the flat was sold. However, all leases contain a general covenant to ensure lessees (as well as



members of their household and visitors) do not cause nuisance or inconvenience to their neighbours.

Lessees who sublet their flats remain responsible for their tenants' conduct and will be liable for any breaches of the lease caused by their tenants' behaviour.

If lessees fail to comply with any covenant(s) or regulation(s) they risk being in breach of their lease. Our Leaseholder Handbook has more information about lessees' responsibilities under the lease, as well as information about neighbour nuisance.

Although the Council's leases follow a different format from our Conditions of Tenancy, we manage and respond to ASB with the same commitment and rigour, regardless of whether the perpetrator is a tenant or a lessee.

6 SUPPORT OF COMPLAINANTS AND WITNESSES

Some of the most persuasive evidence in ASB cases comes from local residents. Where enforcement action is taken, they can often identify the perpetrators of ASB in Court and can describe the effect ASB has on their lives.

Resolving a case using local residents also strengthens the community, boosting the morale of victims and thereby helping to sustain long term improvements.

It is essential to any legal enforcement action that we are able to use the information available, including any evidence provided by witnesses.

Where witnesses are prepared to give evidence directly, this makes the case significantly stronger. However, witnesses need to be made aware that if they agree to provide evidence directly this will mean giving witness statements in which their details will be disclosed to the perpetrator. It would also mean potentially attending Court hearings so that they can answer questions in court.

Where witnesses are not prepared to give evidence directly, their statements can be presented with their consent by Council officers on their behalf. However, this weakens the evidence, because there is no opportunity for the defendant to directly challenge this evidence.

Council officers can also give evidence on behalf of a resident without revealing the identity of that resident. This is commonly known as 'hearsay' evidence. Again, this will not carry as much weight in Court as evidence directly presented by the resident.

It is important that people living and working in and around the Council's housing stock feel confident to report ASB. It is also important that complainants, victims and witnesses are reassured that confidentiality will be maintained at all times.

The Council recognises, however, that complainants, victims and witnesses may have many anxieties.



We have developed different types of support to help people who are suffering ASB. Further details can be found in the Statement of Procedures.

How can residents report anti-social behaviour?

ASB can be reported to the City Council in various ways including by phone or online. Where appropriate, ASB can also be reported to the Police or to one of the City Council's dedicated hotlines, e.g. the 'Westminster 24/7' out-of-hours service or the Noise Team. Details of our offices, the Police and a whole range of other useful contact numbers are given at Appendix A.

If an incident of ASB is reported to the City Council, we will:

- Aim to respond, where resources permit, within 20 minutes during office hours where ASB is in progress, and within 24 hours to all other incidents.

Outside of office hours complainants may contact our emergency out-of-hours service (Westminster 24/7) on 020 7286 7412. Depending on the circumstances, Westminster 24/7 will either advise the caller to contact the Police, or the Council's 24/7 Noise Team on 020 7641 2000. Westminster 24/7 may also contact the local duty officer for advice, as necessary.

- Investigate the incident, advise on options and, where appropriate, agree a course of action for tackling the problem. Options **may** include, but are not limited to the following:
 - Linking the complainant to other witnesses to boost morale and prevent feelings of isolation.
 - Providing information on support agencies, such as Westminster Victim Support, and making other referrals with the complainant's consent.
 - Providing emergency contact points.
 - Completing a risk assessment for the case.
 - Assessing the security of the complainant's home.
- Assign an officer to lead on the complaint who will aim to keep the complainant informed on progress of action taken;
- Provide information on what action other agencies, such as the Police, can take and where appropriate refer the matter to the police with the complainant's consent;
- Aim to remove graffiti within 24 hours and offensive graffiti within 12 hours;
- Aim to complete emergency repairs, such as vandalism to shared areas where there is a health and safety risk, within 24 hours;
- Provide interpreting services where required.



In more serious or complex cases, or where enforcement action is necessary we will:

- Consider the use of civil remedies, such as injunctions, for example to protect a complainant;
- Advise the complainant in respect of the legal process and prepare witness statements if necessary;
- Work with other key partners/agencies as far as possible to support the complainant in their home environment;
- Advise on what other agencies such as Victim Support can do to help;
- Consider options such as offering to meet the complainant at an alternative venue away from the local area or estate office, escorting the complainant to Court and providing on-going support both at the hearing and after legal action has been concluded;
- Assist with a temporary or permanent move where appropriate and where there is a real risk of violence. Very often victims want to move away from the area. However, this hands the perpetrator a victory and we will always consider such options very carefully.

7 PROFESSIONAL WITNESS SCHEMES

In some cases, residents may be reluctant to provide evidence of ASB. They may fear retaliation either to themselves or to members of their family.

Whilst we encourage and support residents to come forward, we accept that in certain circumstances – for example where there is a health and safety risk – it may be unreasonable to expect them to provide direct evidence in support of court proceedings. Protection of witnesses will always be given priority.

“Professional witness” has two meanings in this connection. First, and most commonly, we may use our staff or Police officers to give evidence in civil proceedings. They can give evidence of what they have directly witnessed. As mentioned earlier, they can also give evidence on behalf of a resident without revealing the identity of that resident. This is commonly known as ‘hearsay’ evidence.

Alternatively, we may use other specialist resources as appropriate.

8 HARASSMENT POLICY

The City Council is committed to stamping out all forms of harassment in its housing stock to ensure that our residents enjoy their homes in peace. Our ASB policies and procedures are key tools in achieving this aim.

Equality Act 2010



Under the Equality Act, the City Council has duties in three areas. These are: as a service provider to our residents, as an employer and as a procurer of goods and services.

The Equality Act introduced the term “protected characteristic” and the ‘public sector duty’. Protected characteristics describe the nine groups that are protected by law. These are:

Gender	Disability
Gender reassignment	Race
Sexual orientation	Marriage and civil partnership
Pregnancy and maternity	Age
Religion or belief	

The public sector duty requires the Council to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act.

Definition of harassment

Harassment is defined by the impact of the behaviour on the victim, not the intention of the perpetrator.

As a guide, we consider harassment to include:

- any behaviour that is unreasonable, unwelcome and offensive.
- any deliberate act to interfere with the peace, comfort or safety of any other person or persons because of a characteristic such as those listed above, or any other personal characteristic.

Harassment is also a criminal offence. Some forms of harassment are referred to as hate crime. These are crimes that are targeted at a person because of hostility or prejudice towards that person’s:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

This can be committed against a person or property. A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime.

Examples of harassment are given earlier in Section 2 of this Statement.



With regard to racial harassment the City Council uses the Stephen Lawrence Inquiry Report definition of a racist incident, which is:

'A racist incident is any incident which is believed to be racist by the victim or by any other person.'

This principle may be applied to all forms of harassment.

Our key priorities in tackling harassment and hate crime are:

- a firm commitment to eliminating harassment and hate crime
- dealing with reports quickly and effectively
- providing support to victims
- taking action against perpetrators
- working with other agencies

Practical steps the City Council is taking to tackle harassment and hate crime

- When we receive a report, we will aim to meet with victims of harassment involving physical assault within 24 hours and within 3 days for other incidents.
- All reports of harassment are recorded centrally by us so problems can be consistently monitored.
- A rolling review of all procedures relating to anti-social behaviour.
- Close partnership working with the police and other agencies to tackle harassment and provide support to victims.
- Mystery shopping exercises for staff on dealing with complaints of domestic abuse. Action is taken where needed on the results including training.
- Enforcement action taken where appropriate. This includes the use of civil injunctions, possession action or seeking a demotion order.
- Leaflets on ASB, which include information on harassment, are available on our website.

9 DOMESTIC VIOLENCE AND ABUSE POLICY

The City Council and its partners have published a Domestic Abuse Strategy for 2012-2014 using the following definition of domestic violence:

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality”.

In March 2013 the Home Office introduced a new definition of domestic violence and abuse. The change came about following earlier consultation which showed



widespread support for changing the definition to capture those aged 16-17 and for reflecting 'coercive control' in the wording.

Accordingly, the Home Office definition of domestic violence and abuse now states:

“Any incident or pattern of incidents of controlling, coercive or 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.

This can encompass, but is not limited to, the following types of abuse:

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional*

“Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

“Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

Domestic Violence/Abuse includes physical, psychological/emotional, mental, verbal, financial and/or sexual abuse as well as social isolation and is often a combination of them all.

It is essentially a pattern of behaviour which is characterised by the exercise of control and the misuse of power by an individual/s within a relationship: this includes family relationships as well as heterosexual, lesbian, gay, bisexual and transgender people and vulnerable adults. Female genital mutilation, forced marriage and violence often described as honour-based are all forms of domestic violence/abuse.

Our policy takes a non-judgemental, victim-centred approach at all times. All cases are dealt with in the strictest confidence.

When dealing with domestic violence and abuse, we will:

- Make it as easy as possible for victims to report domestic violence and abuse.
- Interview victims who present at our offices immediately and aim to see them within one working day in all other circumstances.
- Make sure victims are safe and know what to do if the situation changes.
- Give victims full contact details of our service and Housing Officer dealing with the case, and those of the Westminster 24/7 emergency out-of-hours service.
- Give victims details of ADVANCE (Westminster's Independent Domestic Violence Advocacy service) and the Westminster Domestic Abuse Surgery which is a weekly 'drop-in' service.



- Encourage victims to prepare a Safety Plan.
- Talk to victims about their housing options if they are ready to do so.
- Provide support for as long as it is needed.
- Take action against alleged perpetrators of domestic violence and abuse where possible.

Information will only be forwarded to other agencies with consent or if required by law. The one exception to this is where there are concerns that a child is in need, for example if abuse or neglect is taking place, in which case officers have a duty to inform Childrens Services.

Information on domestic violence and abuse, including support agencies, is available online via the Council's website.

The City Council also operates a Sanctuary Scheme which provides security works to make it possible for victims of domestic violence and abuse to remain in their homes and feel safe. The Sanctuary Scheme is open to all Westminster residents and works are carried out by the City Council at no cost to the resident.

In order to improve support for high-risk victims of domestic violence and abuse, the City Council and partners have adopted a joint case management approach known as MARAC – Multi Agency Risk Assessment Conference.

The key elements of the MARAC are:-

- A process for assessing the risk to victims of domestic violence and abuse, and identifying the highest risk cases
- A monthly meeting where agencies can discuss high risk cases in order to improve the safety of victims and their families
- A range of enhanced interventions for those victims identified as at high risk of further harm

10 PREVENTION OF ASB

As a landlord the City Council uses a range of measures to help prevent anti-social behaviour from occurring in the first place.

Conditions of Tenancy

As outlined earlier, the City Council has comprehensive Conditions of Tenancy with detailed nuisance clauses - see Appendix B. The current tenancy agreement was introduced after full consultation with tenants and contains express clauses prohibiting various types of behaviour, which are unacceptable.

Breach of a tenancy term is a statutory ground both for seeking possession or demotion of tenancy. We can also enforce the agreement by means of an injunction requiring the tenant to comply with its terms.



Lease conditions (covenants and regulations)

As outlined earlier in section 5, the obligations and responsibilities of lessees are set out in the lease.

All leases contain a general covenant to ensure lessees (as well as members of their household and visitors) do not cause nuisance or inconvenience to their neighbours. Lessees who sublet their flats remain responsible for their tenants' conduct and will be liable for any breaches of the lease caused by their tenants' behaviour.

As with our tenants, we can enforce the lease by means of an injunction requiring the lessee to comply with its terms. In extreme cases, where all other remedies and interventions have failed, we can apply for forfeiture of the lease.

Further information about the lease and its various covenants and regulations, including information about nuisance and anti-social behaviour, is contained in our Leaseholder Handbook which has been issued to all existing lessees and is issued to all new lessees as part of a Lessee Induction Pack. The Induction Pack also contains a range of more detailed and specific information leaflets including those relating to tackling ASB and resolving problems with neighbours.

Introductory tenancies

All new tenants are given an "introductory tenancy" which lasts for the first year.

In the case of:

- ✓ introductory tenants in Community Supportive Housing for older people
- ✓ and all other introductory tenancies granted *before* the Council introduced flexible tenancies in September 2013

the introductory tenancy becomes a secure tenancy after 12 months, unless we have started legal action to gain possession or have extended the introductory period for a further six months.

Introductory tenancies in general needs housing which were granted *after* the introduction of flexible tenancies in September 2013 become flexible tenancies after 12 months, unless we have started legal action to gain possession or have extended the introductory period for a further six months. See below for more details of flexible tenancies.

As part of the introductory tenancy scheme:

- A Housing Officer from the Area Office will go through the Conditions of Tenancy with the new tenant when they sign their new tenancy agreement, explaining what constitutes ASB, what can be done about it and what we as the landlord can and cannot do about it;



- A Housing Officer will also aim to visit all new tenants at intervals throughout the 12-month period. The aim of these visits is to help the tenant settle in their new home and to discuss any problems or difficulties they may be experiencing. These visits offer the Area Office an ideal opportunity to “nip in the bud” any emerging problems that may arise in the early part of a new tenancy.

Flexible tenancies

A flexible tenancy is a form of secure tenancy which is for a fixed period and was created under the Localism Act 2011.

In line with the Council’s published Tenancy Policy most flexible tenancies will be for a period of 5 years and will be subject to review before the end of the tenancy. In the majority of cases, following the review, a new flexible tenancy for a further 5 years will be offered at the same address (or another address if, for example, there is under occupation).

The Council’s Tenancy Policy also allows for the granting of a flexible tenancy of two years rather than five, following the review. An example of where a shorter tenancy may be offered is where the tenant has not kept to an agreement to correct a breach of the tenancy agreement during the flexible term.

The use of shorter tenancies in these circumstances is intended to help reinforce the tenant’s responsibilities under the tenancy agreement and to enable any necessary support to be put in place.

In cases of persistent and serious ASB, the Council may choose not to renew the tenancy and may apply to the Court for a possession order. With a flexible tenancy the Court must award possession as long as the fixed term has expired, the correct notices have been served, the Council’s decision not to renew is in line with its tenancy policy, and any request to review that decision has been considered.

Visible uniformed presence

A visible uniformed presence can provide both a deterrent to those who cause anti-social behaviour and a safer environment for residents. There are various models operating across the City:

- **Safer Neighbourhoods Teams** - The Metropolitan Police Safer Neighbourhoods programme provides a small team of police dedicated to a local area. Their role is to work with the community and local authorities to reduce crime and disorder and deal with the local issues that most affect people's quality of life.
- **Police Community Support Officers** - working across the city and within Safer Neighbourhoods Teams, Police Community Support Officers (PCSOs) tackle crime and quality of life issues. Their duties are diverse and include targeting ASB including youth nuisance and criminal damage and performing tactical patrols.
- **Westminster City Inspectors** - who have powers to tackle problems such as littering, dog fouling and anti-social behaviour on public highways.



- **Dedicated security patrols** - provided by private security companies, for example - can be offered to residents within the City Council's housing stock in exceptional circumstances, although this is a rechargeable service with those residents benefiting from such services paying for it.

Diversions projects for young people

The City Council provides a range of diversionary projects for young people across the City. We have a citywide dedicated community development and resident engagement programme and work closely with our partnership contacts to provide a wide variety of activities for young people living in our housing stock. These include activities such as estate-based youth clubs, sports programmes, homework clubs.

Multi-agency partnerships

We have both informal and structured formal agreements and forums with our partnership contacts. Details are given below in Section 14.

Tenancy support schemes

The City Council is committed to helping vulnerable tenants maintain their tenancies. We commission an independent tenancy support service funded through the Supporting People funding and Adult Services.

Tenants eligible to receive support may be vulnerable for a variety of reasons including drug or alcohol misuse or mental health problems.

Vulnerable tenants may be referred to the service if they are at risk of losing their tenancy due to ASB or other serious breaches of their tenancy conditions.

The aim of the support service is to help the tenant improve their behaviour through:

- One to one discussion, support and counselling
- Giving practical advice and assistance on dealing with interactions with neighbours
- Linking them with appropriate services including alcohol or drug advice services, mental health day centres, and other community services and facilities.

An action plan is agreed with the tenant and reviewed at least every three months. Cases are closed either when the action plan has been successfully completed or the tenant is unwilling to adjust their behaviour.

Designing out crime

We continue to invest each year in security improvements, tackling crime and disorder and diverting young people from ASB.



Designing out crime initiatives can provide permanent solutions to problems such as young people hanging around. Schemes include:

- Controlled door entry schemes to flats
- Fencing to communal areas
- Improvements to lighting in communal areas
- CCTV

We ensure that 'secured by design' principles underpin all our major works projects.

We have a pool of mobile CCTV cameras which are relocated periodically to address emerging ASB hotspots. On some estates there are also fixed camera systems.

Sensitive allocations

The City Council's housing allocations policies, as set out in our Housing Allocations Scheme, aim to promote balanced and sustainable communities so as to avoid potential clashes of lifestyle.

Occasionally a property becomes available for letting and it is deemed that it should be let 'sensitively' because of particular circumstances that relate to the property, for example the frailty and vulnerability of neighbours.

Where a sensitive letting is required, the tenancy will not be offered to the prospective tenant until it is confirmed that neither they nor any member of their household who will be living with them has:

- A history of anti-social behaviour or nuisance;
- Drug or alcohol dependency or
- Any history of drugs dealing;
- Caused housing management problems in previous accommodation, including bed and breakfast or temporary accommodation.

Other factors may be taken into account where justifiable, for example, where due to the nature of the sensitivity, a letting should be made specifically to a male or to female applicant.

Conversely, a neighbour of a property being let may have a history of behaviour which means it may be necessary to avoid letting the property to a person who is vulnerable to harassment or other behaviour and in these circumstances, discretion may be used to make a direct offer of that letting.



11 INTERVENTION WHEN ASB OCCURS

When we receive a complaint about ASB we will respond promptly by interviewing the complainant, investigating and assessing the full circumstances of the complaint. This will determine our response to the complaint and any intervention measures we may take to address the alleged ASB.

At all times the intervention action we take will be appropriate and proportionate to the nature, scale and extent of the problem.

The overwhelming majority of complaints are addressed by taking early informal action.

We use a range of intervention tools, including:

Initial interview with alleged perpetrator

This is the first action we take once we have interviewed the complainant. The aim is to contact, interview and advise the alleged perpetrator of the nature of the complaint and to hear their side.

If the problem can be resolved at this stage no further action is taken.

Warning letters

These are sent when we have evidence that the alleged perpetrator is responsible for the ASB and all early interventions have failed to resolve the problem. Their aim is to put the alleged perpetrator on notice that unless the ASB ceases we will consider legal action.

Banning letters

These are used where individuals have been identified as causing ASB in or around the Council's housing stock and where the individuals in question do not live there and have no reason to be there.

A banning letter is sent to the individual's home (where known), and confirms that:

- the individual has come to notice as a result of their ASB in or around a named estate.
- they do not live on the estate and therefore have no reason to be there.
- they are banned from returning to the estate, on threat of further action if they do return.

Banning letters are not legally enforceable but warn the perpetrator that that we take the matter seriously and can often be successful in deterring perpetrators from returning to a particular location, without the need for recourse to formal legal action.



Young People's Practitioners - early intervention with young people

The City Council employs Young People's Practitioners (YPPs) who work in 3 integrated and multi-disciplinary locality teams; these are: North-East, North-West and South locality teams.

YPPs work with young people who may be at risk of committing crime or anti-social behaviour. The children's integrated locality teams lead on facilitating the 'Teams Around the School' and 'Teams Around the Youth' Project. These meetings act as a formal way of schools and youth projects identifying young people of concern and then developing an integrated action plan to support the young person. Added to this, YPPs are an active partner in the local ward briefings that are organised by the Community Protection team and these too are an opportunity to identify young people at an early stage.

YPPs provide one-to-one support to young people, either as a brief intervention or over a longer period of time, depending on their needs. An assessment of the young person's needs is always undertaken, and a plan developed in partnership with the young person, this is reviewed regularly.

The YPPs aim to:

- Reduce anti-social and offending behaviour and prevent young people from entering the youth justice system.
- Help to influence the reduction of young people who are 'Not in Employment Education or Training' (NEET).
- Assist young people in transition from primary to secondary school.
- Assist young people at risk of exclusion.
- Divert young people from becoming 'looked after' where it is safe to do so.
- Work with young people at risk of sexual exploitation.

We also have a specific post of Early Help Specialist Practitioner (ASB) to work with housing services in recognition that a significant proportion of the service's client base are residents on our housing estates.

In 2012 children's services were reshaped with the development of one 'front door' for all referrals – the Access to Children's Services Team. MASH (the Multi-Agency Safeguarding Hub) is an integral part of this team with Police, health and social care all working together. The aim of this team is to assess all incoming referrals on children and young people by:

- data and intelligence gathering
- assessment of referrals for onward allocation.

Referrals on young people who may have come to the attention of the Police are forwarded from this central 'front door' to the integrated locality teams.



Acceptable Behaviour Contracts/Agreements (ABCs/ABAs)

ABCs/ABAs are individual written agreements. ABCs are made between a young person, normally aged between ten and eighteen, the police, the Early Help Specialist Practitioner and the ASB team in which the young person agrees not to carry out particular types of behaviour that have been identified and agreed as anti-social. A parent will also be present at this meeting.

Although the agreement is not legally binding if the young person continues to act in an anti-social manner the agreement can be used as evidence of partnership attempts to amend the behaviour if legal action has to be taken. ABAs are similar agreements, made with persons over the age of 18.

Mediation

Mediation can be a cost-effective means of dealing with disputes between neighbours, which, if left unresolved may escalate into more serious ASB problems. Mediation is a process whereby a neutral third party seeks to help neighbours in dispute to reach common ground without having to resolve their differences via court proceedings.

We provide access to independent professional mediation services for tenants where both or all parties voluntarily choose it. Mediation is not normally appropriate in cases involving violence although we can sometimes make exceptions on a case-by-case basis.

Tenancy support schemes

See earlier details in Section 10.

Vulnerable tenants may be referred to the service if they are at risk of losing their tenancy due to ASB or other serious breaches of their tenancy conditions.

Family Recovery Programme

The City Council has a dedicated Family Recovery Programme (FRP) for residents with complex support needs, some of whom have caused anti-social behaviour in the community. The FRP is a multi-agency team who take a “whole family” approach intervening with families who are at risk of losing their children, home and/or liberty. They work in a targeted and phased way to support a family’s capacity for change and to embed and sustain changes.

A ‘Team Around the Family’ is appointed for each family consisting of appropriate lead professionals. The team work intensively with the family for around 12 months and hold review meetings with the professionals on a 3-weekly basis, so that they can be responsive to change. Families are at the centre of planning and will meet with the network every 6 weeks. Families on the programme may receive up to 3 visits a week and daily contact depending on their need.



Family Coaching Service

For families experiencing problems at a less intensive level we also have a Family Coaching Service. The service aims to coach parents so that they are able to tackle the 'complex problems' in their lives, especially those having an effect on their children – such as debt, housing problems, family budgeting and difficulty finding work. Areas of focus include supporting school attendance, addressing criminal and anti-social behaviour, helping parents to manage and improve the behaviour of their teenage and younger children, helping adults back into work.

Coaches visit families in their home at least once a week, sometimes more, for up to 6 months and adopt the whole family approach to intervention and delivery. The Family Coaching Service will wrap around existing service provision and will attend all relevant meetings in relation to the family.

Families may be referred to the FRP or the Coaching Service through a range of agencies, including the City Council, Police and health services.

'Your Choice' programme - tackling gangs and serious youth violence in Westminster

The Your Choice programme was launched in November 2011 as a joint City Council and Police initiative to address gangs & serious youth violence in Westminster.

It aims to give young people a real choice: '*Engage* and receive support; *don't* and face enforcement and sanctions'.

The Council's Integrated Gangs Unit (IGU) manages the Your Choice programme. The IGU consists of the Council's Community Protection service, Children and Families Service, the Metropolitan Police, the Probation Service and the voluntary sector.

The aims of the IGU are to reduce:

- youth violence
- overall offending by young people in Westminster
- gang affiliation by those who participate in Your Choice, and
- community concern about gangs & serious youth violence.

The IGU works closely with neighbouring boroughs in Brent and Kensington and Chelsea, to tackle the gang violence that occurs across borough boundaries.

Central to the Your Choice programme is the idea of personal responsibility, choices and consequences. The programme presents young people and their families with clearly informed options and offers of support which allows them to make a choice - to take up the services on offer and through hard work and support reduce the risks and make positive changes to their lives, or to face some serious consequences of Police, Council or Housing enforcement actions.



As with the YPPs, young people can be referred to the Your Choice programme through a range of agencies, including the City Council, Police and health services.

Management transfers

Our Housing Allocation Scheme recognises that on occasions there are good management or other reasons, for example threatened or actual violence or harassment, to allow a tenant victim to transfer outside the normal allocations' priorities. Management transfers can be authorised by the housing service *on an exceptional basis*.

Re-housing within the same area is allowed only in cases where this is considered to be in the best interests of (and safe for) the tenant.

Authorised management transfers are administered in accordance with our Housing Allocation Scheme.

12 ENFORCEMENT ACTION

If our intervention actions have failed to resolve the situation, we will take appropriate legal action as the next step.

We use a range of enforcement powers to tackle nuisance and anti-social behaviour in or around our housing stock.

The options listed in the table below are equally applicable to tenants and lessees, except for:

- demotion of tenancy
- service of Notice of Seeking Possession (NOSP) or Notice of Proceedings for Possession (NPP) leading to
- proceedings for possession on both discretionary and the new mandatory grounds,

which are only applicable to tenants, and:

- forfeiture

which is only applicable to lessees.

Action	Applicable to tenant or lessee households?	When used
Acceptable Behaviour Contracts - voluntary agreements between a young person aged 10 -18, the	Both	Where there are complaints about low level nuisance (also an intervention tool).



Action	Applicable to tenant or lessee households?	When used
ASB team, the Police & the Council's Integrated Locality Team (young people's services).		Not legally binding but can be used as evidence in court enforcement proceedings.
Acceptable Behaviour Agreements – as above but involving adults	Both	As above
Criminal behaviour orders – these can be issued by a criminal court against a person who has been convicted of a criminal offence. The prosecution will in most cases apply for such orders either on its own initiative or after a request from police or Council.	Both	If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused, or likely to cause, harassment, alarm or distress to any person and that an order will help prevent the offender from engaging in such behaviour.
<p>Civil Injunction – to stop or prevent individuals engaging in ASB.</p> <p>May include power of arrest.</p>	Both	<p>A civil injunction can be sought for conduct, caused, or likely to cause harassment, alarm or distress or conduct which is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises</p> <p>or</p> <p>Conduct capable of causing nuisance or annoyance to which directly or indirectly relates to or affects our housing management functions</p> <p>They can be issued by the High Court and County Court for anyone over 18, and by the Youth Court for anyone under 18. They will include prohibitions and can also include positive requirements.</p> <p>Not linked to 'locality'.</p>



Action	Applicable to tenant or lessee households?	When used
<p>Gang Injunctions - used to prevent gang related violence. Police and Council power. They can be granted against anyone over the age of 14.</p>	Both	Where there are gang related violent incidents
<p>Demotion of tenancy – can end a secure tenancy through a court order, although perpetrator remains in the property. Demotion can last for 12 months. No need to demonstrate the incident has occurred in the locality – but must be housing related</p>	Tenants only	<p>Where the tenant or visitors have used the premises for illegal purposes or whose behaviour has caused nuisance or annoyance. Must satisfy court that demotion is reasonable.</p> <p>Requires similar levels of evidence as that needed for possession action.</p>
<p>Closure orders – allow the police or Council to quickly close premises which are being used or are likely to be used to commit nuisance or disorder.</p>	Both	To give urgent respite to the community, where premises are linked to disorderly, offensive or criminal behaviour, serious nuisance or disorder near the premises.
<p>Service of Notice of Seeking Possession (Notice of Proceedings for Possession in the case of Introductory Tenancies), leading to Possession Order – on grounds set out in the Housing Act 1985.</p> <p>Can be sought where the tenant or a person residing with them:</p> <ul style="list-style-type: none"> • has been guilty of conduct causing or likely to cause nuisance or annoyance in the locality, or • has been convicted of using the property or allowing it to be used for immoral or illegal purposes, or • where an indictable offence has been committed in, or in the locality of the property 	Tenants only	<p>If the nuisance is ongoing, serious, has persisted despite warnings & and other interventions have proven unsuccessful.</p> <p>May also be considered at an early stage, including as a measure of first resort, in cases which are of a serious or criminal nature and cause upset/distress to the community.</p> <p>NB: The court has to be satisfied in all cases that eviction is reasonable and proportionate. Requires high threshold of evidence.</p>



Action	Applicable to tenant or lessee households?	When used
<p>Forfeiture – the legal means by which a lease is terminated. Forfeiture action requires prior service of a Notice under Section 146(1) of the Law of Property Act 1925 in respect of any breach by a lessee of a covenant or condition. Before the S146 notice can be served a determination that there has been a breach of the lease must be obtained from the First-tier Tribunal (Property Chamber) unless there has been an admission of the breach by the lessee.</p>	<p>Lessees only</p>	<p>If other avenues to tackle the nuisance, e.g. injunction, have been pursued without success/the lessee has ignored such orders and is likely to continue to be in breach of their lease.</p>
<p>Service of notice of seeking possession on absolute grounds.</p> <p>This is a new power introduced by the ASB, crime and policing Act 2014 where ASB or criminality has already been proven by another court. The court must grant a possession order where the correct procedures have been followed (subject to any defence raised by the tenant).</p>	<p>Tenants only</p>	<p>To be used selectively for the most serious cases of ASB to expedite the eviction of the most anti-social tenants. Authorised at a senior level.</p>

Possession action

In the case of tenants, we will generally only use possession action where all other interventions and attempts to change behaviour have failed. However, as we have previously stated, we will not hesitate to pursue possession action at an early stage, including as a measure of first resort, in cases which are of a serious or criminal nature and cause upset/distress to the community, and where such action is proportionate and reasonable in the circumstances.

We will take possession action using the new absolute grounds for possession in only the most serious cases of ASB. Each case will be looked at on its own merits and authorised at a senior level.

In the case of lessees, we will consider forfeiture action if all other measures have failed to resolve the situation. Under forfeiture the lessee loses their home, receives



no compensation for loss of capital investment and remains liable for any monies secured against the property (e.g. any outstanding mortgage). As such, the courts are reluctant to grant forfeiture orders unless all other avenues have been pursued in the first instance - e.g. injunction.

Only where a lessee has ignored such orders and is likely to continue to be in breach of their lease might forfeiture be considered.

Intentional homelessness

Where a tenant has been evicted or a lessee has forfeited their lease because of their anti-social behaviour they may approach the City Council and make a housing application as they are homeless. Their application will be assessed in line with the relevant legislation and unless there are significant factors which may have a legal bearing on the assessment of their case, they would be considered to have made themselves intentionally homeless by their actions, and they will not be rehoused by the City Council.

It is important for such applicants to know, and for the wider community to be reassured, that the City Council does not operate a 'revolving door policy'.

13 REHABILITATION OF PERPETRATORS AND SUPPORT FOR VULNERABLE GROUPS

The City Council recognises that in some cases the perpetrators of ASB may require specialist support to address problems and behaviours which are impacting on the wider community. These may include perpetrators with drug and alcohol dependency, mental and physical health needs, young people at risk of offending or further offending, gang members and families in need of support.

The positive impact of such support can often play a critical role in protecting neighbours and the wider community from ASB.

We will have due regard to the particular circumstances and vulnerability of perpetrators when considering the most appropriate form of intervention and support. However, we will also take enforcement action, including possession action, where this is proportionate and reasonable, and where all other avenues have been exhausted.

Identification and support for vulnerable residents

Our housing management procedures give guidance to housing staff on identifying vulnerable people and how to ensure that their needs are met through liaison with Adult Services and signposting to other appropriate agencies such as our **Tenancy Support Service**. Information about our Tenancy Support Service is given above, in Section 10.



Safeguarding vulnerable adults

In October 2011, the Westminster Safeguarding Adults Board adopted the 'Social Care Institute for Excellence' London multi-agency policy and procedures to safeguard adults from abuse, along with all 32 London boroughs.

Anyone concerned about potential adult abuse, including those who may be victims of ASB, can call the Safeguarding Adults dedicated line: 020 7641 2176 or may complete a 'Safeguarding Adults Alert Form' which can be downloaded from the Council's website.

Safeguarding children

On occasions an investigation into a complaint of ASB raises concerns that a child or young person may be being harmed through abuse or neglect. Our housing management procedures give guidance to Housing Officers on how to identify and respond to the signs of abuse or neglect.

Anyone concerned about potential abuse or neglect of a child or young person can contact the Council's Children's Services Team (020 7641 4000).

In cases where there are concerns about the immediate safety of a child or young person the Police should always be called, by dialling 999.

Drug and alcohol services

We commission drug and alcohol services within the City of Westminster for residents who need advice, information and support around their own drug or alcohol use, or where they are trying to help someone else.

See Appendix A.

Family Recovery Programme and Family Coaching Service

Information about these services is given above, in Section 11.

Closure Orders – assessment of vulnerability

When the Police are considering a property for closure, under the ASB, crime and policing Act 2014, they must consult the Council. In Westminster this is done through a multi-agency meeting of lead professionals. The meeting considers the evidence for closure and agrees whether the occupant is vulnerable.

Vulnerability may arise for a variety of reasons, including substance misuse, mental health issues, learning difficulties or physical disabilities.

If the occupant is deemed to be vulnerable and support is appropriate, this could be in the form of:

- Temporary accommodation/supported accommodation in a hostel



- An assessment for treatment and referral to appropriate services
- Permanent re-housing – subject to successful demonstration of capacity to manage a tenancy.

Juvenile perpetrators

Information about the City Council's Young People's Practitioners (YPPs) and the valuable work they do with young people at risk of social exclusion or offending (including nuisance/ASB) is given above, in Section 11.

In general enforcement action is only considered for juveniles as a last resort after the young person has been through the ABC process and all appropriate interventions / diversionary avenues have been exhausted.

Information about the 'Your Choice' programme (tackling gangs and serious youth violence) is given above, in Section 11.

14 MULTI AGENCY PARTNERSHIPS

As a Landlord the City Council recognises that it can achieve far more by working with other agencies to tackle ASB rather than working alone. We are constantly looking at how we work with internal and external partners to promote efficiency. Consequently, the partnerships referred to below are those that are currently active. However, the partnerships may be fluid, responding to particular problems and targets at particular times.

Safer Westminster Partnership

This is the key strategic partnership in the city which sets the partnership's Crime and Disorder Reduction Strategy on a three-yearly basis. It is currently chaired by the City Council and comprises the Police, London Fire Brigade, Health and Probation service. See earlier at Section 4 for more details.

Community Protection service

The City Council's Community Protection service supports the Safer Westminster Partnership and has both a strategic and operational work programme.

The Community Protection service works with both internal and external partners to reduce crime and ASB within Westminster. It leads on regular local briefings in each ward which aim to identify issues of ASB as early as possible. YPPs, Police and CWH are key partners at these briefings.

The Council employs dedicated staff to help tackle ASB, including staff in their Integrated Gangs Unit.

Community Protection officers can also work with the ASB team (and other housing providers) to collect evidence for enforcement action preventing people from acting in a way that harms their local community.



All Community Protection officers and ASB case workers are trained in statement-taking for the purposes of taking offenders to court for their anti-social behaviour.

Other multi-agency partnerships

As a landlord the City Council is also represented on a number of key partnership groups as follows:

ASB Partnership Delivery Group

This meets bi-monthly and is chaired by the police Chief Inspector Partnerships. Attendees include police and the Council. The purpose of this meeting is to look at trends in ASB across Westminster and ensure that resources are allocated to deal with them.

Youth Crime Prevention Partnership

The Westminster Youth Crime Prevention Partnership (YCPP) meets monthly to oversee and co-ordinate the delivery of all youth crime and disorder related priorities/projects across Westminster.

The YCPP is chaired by the Council's head of community safety and membership includes representatives from the Police, Health, Youth Offending Team, Integrated Gangs Unit (IGXU), representatives from schools, Housing and Children's Services. The Community Safety Relationship Manager also attends.

Domestic violence: Multi-Agency Risk Assessment Conference (MARAC)

The housing service is represented on the City Council's Multi-Agency Risk Assessment Conference (MARAC) which supports those most at risk from domestic violence in the City. It is a multi-agency approach to risk management that facilitates effective information sharing between agencies, providing support to victims, perpetrators and their children.

It meets monthly and is chaired by a senior Metropolitan Police officer. Any agency can make a referral to MARAC using the dedicated MARAC referral form which contains a risk indicator checklist. Cases are referred to MARAC if they meet the threshold for referral indicated on the form, i.e. high risk of harm. Cases not meeting the threshold can also be referred on the basis of professional judgement.

Once referred MARAC will in each case assess the risk and agree a clear action plan.

Gangs Multi-Agency Partnership (GMAP)

The GMAP meeting provides a visible and accountable leadership of the gang situation in Westminster with multi-agency commitment and collaboration. The purpose of the GMAP meeting is to identify, monitor and disrupt high risk gang members in Westminster. The meeting facilitates information sharing on high-risk



gang members, their siblings and other family members and a partnership approach is taken to agree an intervention and enforcement plan around each individual.

Chaired by a senior Metropolitan Police Officer ranked Superintendent or above, the GMAP meeting are attended by Council, the housing service and other partnership representatives as appropriate. Meetings are held every 6 weeks.

Standard Operating Procedures outline in detail the selection and monitoring processes. The Metropolitan Police Service's Connect matrix forms a significant part of the selection and monitoring process, in addition to wider multi-agency data which broadens the range of 'risks' identified in relation to young people. An identified list of 7-10 young people is selected and monitored at each meeting.

Multi Agency Public Protection Panel (MAPPA)

The Criminal Justice and Court Services Act (2000) created a statutory duty on Police, Probation and Prison services (the Responsible Authorities) to establish Multi Agency Public Protection arrangements to create a nationally consistent mechanism for the management of risks posed by dangerous offenders.

The City Council has a duty to cooperate with the Responsible Authorities, but only to the extent that it is compatible with existing statutory duties.

In Westminster these arrangements consist of monthly panel for monitoring offenders and the purpose of the arrangements is about effective cooperation to manage risk presented by certain offenders and to minimisation the potential harm to the public and the offender themselves.

15 DATA PROTECTION AND INFORMATION EXCHANGE

Data Protection Act 1998

The City Council is a major user of personal data and as such has a duty to ensure that it is handled properly and confidentially.

The Data Protection Act [DPA] 1998 regulates the processing and handling of personal data to ensure that it has been lawfully obtained and processed.

Personal data is defined as: 'information which either on its own or used in conjunction with information possessed or likely to be possessed by the organisation, could be used to identify a living individual'. It also includes an organisation's intentions and opinions about an individual.

The eight Data Protection Principles of Good Practice are the cornerstone of the legislation. In summary the Principles state that:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:



- (a) at least one of the conditions in Schedule 2 of the DPA is met, and
- (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 of the DPA is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
 3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
 4. Personal data shall be accurate and, where necessary, kept up to date.
 5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
 6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
 7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
 8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Schedules 2 and 3 of the DPA

These schedules set out the conditions under which personal data, including *sensitive* personal data (e.g. ethnicity, disability status) may be lawfully processed.

The City Council complies with these conditions when processing personal data, including sensitive personal data, in the management of ASB.

Disclosure of personal information

Personal information may only be disclosed in line with the specified purposes for which it was collected, unless one of the non-disclosure exemptions of the DPA applies. Under the relevant DPA exemptions personal data may be disclosed where it is necessary for:

- The prevention and detection of crime (s.29 of the DPA)
- The apprehension or prosecution of offenders (s.29)
- The assessment or collection of any tax or duty or of any imposition of a similar nature (s.29)



- The disclosure consists of information which is required by law to be made publicly available (s.34)
- The disclosure is required by law or order of the court (s.35(1))
- The disclosure is made in connection with legal proceedings (s.35(2))

Only section 35(1) is mandatory. All the other exemptions referred to above are not compulsory and require that each request for disclosure be considered on a case by case basis. Generally, disclosure must be proportionate and must take account of the rights of third parties whose personal data may also be present.

Safer Westminster Partnership - Information Sharing Protocol

The Safer Westminster Partnership has agreed an Information Sharing Protocol for the exchange of information. The protocol contains:

- a summary of the legislation which guides the sharing of information for the purpose of preventing or detecting crime. (The primary legislative tool is the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006).
- details of the processes by which the Partnership has agreed that information can be shared, handled and disseminated.
- a list of the parties who are signed up to the protocol.

The City Council can share personal information with signatories to the Information Sharing protocol, provided such information sharing is in accordance with the guidance provided by that protocol.

Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006).

This places a duty on each responsible authority to do all they reasonably can to prevent crime and disorder (including anti-social behaviour adversely affecting the local environment) and the misuse of drugs, alcohol and other substances in its area.

Section 17A of the Crime and Disorder Act 1998 (introduced by the Police and Justice Act 2006).

This places a duty on a relevant authority to disclose to all other relevant authorities certain prescribed information which is of potential relevance in relation to the reduction of crime and disorder.

S115 of the Crime and Disorder Act 1998.

This provides any person who would not normally have the power to disclose information to a relevant authority, or to a person acting on behalf of that authority, with the power to disclose information in any case where the disclosure is necessary or expedient for the purposes of any provision of the Crime and Disorder Act 1998.

The presumption of confidentiality still applies, and all disclosure is looked at on a case-by-case basis. Additionally, the signatories to the protocol remain bound by the



obligations imposed by the DPA 1998, Human Rights Act 1998 and the common law duty of confidence.

Article 8 of the Human Rights Act 1998

Article 8 of the Human Rights Act 1998 states that every individual has a right to respect for his private and family life. However, this is a qualified right, which means that it can be interfered with provided such interference is necessary and proportionate, in the interests of:

- National security
- Public safety
- Economic wellbeing of the country
- Prevention of crime and disorder
- Protection of health or morals
- Protection of the rights or freedoms of others.

Freedom of Information Act 2000

The Freedom of Information (FOI) Act provides for a general right of access to information held (recorded, stored, used) by public authorities. This includes personal data. This means that all information held by a public authority falls under the Act, subject to an exemption contained within the Act which may be successfully applied.

Personal data may only be disclosed under FOI where it can be demonstrated that to do so does not breach any of the Data Protection Principles. This includes but is not limited to the Non-Disclosure exemptions under DPA, where it can be demonstrated that the disclosure *would* jeopardise any of these provisions.

All requests for information are handled in line with the Council's FOI Request Procedures. There is a statutory time limit of 20 working days for responding to an FOI request. All applicants have a right of appeal (called Internal Review) which are handled by a neutral third party qualified to determine whether the provisions of the Act have been properly enacted.

Regulation of Investigatory Powers Act 2000

The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the use of covert surveillance. As a local authority the City Council cannot use covert surveillance techniques on any project without having first obtained Judicial Approval from the Magistrates' Court authorising such use.

Any application must also satisfy the following conditions:

- the authorisation must be for the purpose of preventing/detecting conduct which constitutes/would constitute one or more criminal offences

and



- the criminal offence is/would be an offence punishable by at least 6 months' imprisonment or is an offence under specified Licensing/Trading Standards legislation.

By its very nature covert surveillance is likely to interfere with an individual's Article 8 rights as mentioned above. Consequently, when considering any application to authorise the use of covert surveillance the Magistrates must be satisfied that any such interference is necessary and proportionate.

Personal data collated from covert surveillance remains subject to the provisions of the Data Protection Act 1998.

16 SHARING INFORMATION WITH RESIDENTS AND THE WIDER COMMUNITY

By publicising successful action against the perpetrators of ASB the City Council can help encourage more effective enforcement as well as reassuring the community that action is being taken to protect it. The City Council appreciates that publicity may also deter other potential perpetrators from ASB.

Human rights law requires that we consider and balance the rights of those subject to enforcement action as well as the community, particularly those who have been victims of ASB.

Publicity may be by various means including a press release aimed at the general public or a newsletter targeted, for example, at residents on a specific estate. The content of the publicity may be specific and include the name or even a photograph of the perpetrator or very generalised, by, for example, simply advising the public that the Court has granted an injunction against a well-known perpetrator of ASB in the area.

Any publicity must be necessary and proportionate to the aims it seeks to achieve. The City Council must also consider the non-disclosure rules of the Data Protection Act, where relevant, and must pay particular attention where young persons are involved.

All publicity is dealt with on a case by case basis in liaison with the City Council's Corporate Communications Team. The Council's Legal Services team must be consulted to approve any City Council press release prior to publication.

In some instances, the press may, of their own volition, report on enforcement cases heard in open court.

We have special arrangements for publicising injunctions and Closure Orders, which take into account the public interest in such matters.



17 CROSS TENURE ISSUES

The City Council recognises that its housing stock, and neighbouring residential accommodation, is occupied by a variety of tenures.

Within its own stock the City Council is landlord to approximately 12,100 tenants. In addition, we manage over 9,000 leasehold properties. Within the boundaries of our stock we also have residential accommodation that has been sold on freehold.

In appropriate cases the City Council will consider using its enforcement powers to tackle ASB by people who are not resident in its own Landlord managed stock. We will also consider appropriate action to protect people who are not our tenants from ASB perpetrated by City Council tenants.

Subletting Protocol – Registered Providers and the Housing Solutions Service

We have a Protocol for dealing with nuisance in City Council accommodation which is managed by Registered Providers (RPs) or our Housing Solutions Service.

The aim of the Protocol is to:

- Ensure there is no confusion about who to contact when a problem occurs in a property managed by an RP or the Housing Solutions Service.
- To keep the Housing Solutions Service and RPs informed at all times when problems occur in sublets to avoid inappropriate allocations of permanent accommodation.

The City Council is a signatory to the Protocol, along with the main Registered Providers managing accommodation on our estates.

The Protocol is subject to periodic review.

Subletting - council lessees

The City Council's standard form of lease requires lessees not to allow nuisance within their home, which may annoy or cause inconvenience to their neighbours.

Lessees who sublet their flats remain responsible for their tenants' conduct and will be liable for any breaches of the lease caused by their tenants' behaviour.

There are generally no restrictions in the lease preventing the subletting of the whole of a lessee's property. However, the property must not be used for any trade, profession or business and must be kept as a single private residence. Under current rules any letting must be for more than 90 days.

Lessees must also register a sublet within 21 days of subletting their property, by sending a copy of the tenancy agreement to our Lessee Services team.



Lessee Services regularly monitor all the Council' housing stock and work with staff and residents to ensure that all lessee sublets are registered properly. This means the area office can contact the landlord or lettings agent quickly in the event that a lessee's private tenants are causing a nuisance to others in the building.

Where other residents or the area office staff suspect that a property is being sublet and has not been registered, Lessee Services will use a variety of measures, e.g. home visit, contact by email, letter or telephone, to verify the situation and ensure that the lessee and their tenants abide by the terms of their lease. In cases where ASB becomes an issue, for example as a result of an illegal Bed and Breakfast being run from a property, the City Council's Planning department has enforcement powers which could lead to a fine of up to £20,000.

Our Leaseholder Handbook gives more information on lessees and their lease obligations, including those in relation to subletting.

Subletting and taking in lodgers - council tenants

Tenants are allowed to take in a lodger. A lodger is someone who shares the tenant's home and who may also receive meals as part of the lodging arrangement.

Tenants can also sublet **part** of their home to a subtenant as long as they have received written permission from the Council. A subtenant is someone who lives separately in the tenant's home and provides their own meals.

In both cases, the tenant takes on the responsibilities of a landlord and is responsible for the behaviour of anyone who lives in their home. If a lodger or a subtenant causes ASB we will take appropriate action against the tenant and the person causing the ASB. If a tenant leaves their tenancy, they are responsible for ensuring that any lodger or subtenant leaves when they do.

Tenants are not allowed to sublet **the whole** of their home and move out. If they do this they will lose their security of tenure and we will start legal action to seek possession of the property.

Additionally, the Prevention of Social Housing Fraud Act 2013 now makes the fraudulent subletting of council homes a criminal offence. The Act enables councils to press for unlimited fines or a maximum of two years' imprisonment in extreme cases of fraud.

We take housing fraud very seriously and use a range of measures to prevent, detect and eliminate it. We visit all tenanted properties on a three-year cycle, conduct data matching exercises to identify potential fraud, and offer a range of ways for staff and the public to report it anonymously.

18 PROTECTION OF STAFF

In delivering services to the community, the City Council expects that members of the public will treat their employees with courtesy and respect.



Exposure to violence and assault is not an acceptable part of an employee's everyday working life and the City Council will take all reasonably practicable measures to prevent or reduce the risk of such exposure.

The City Council has accordingly developed policies to protect staff in accordance with their duties under common law and statute.

As well as a general health and safety policy we have developed compatible policies, procedures and training, covering a variety of issues. These include:

- Lone working procedure
- Accidents, incidents and 'near misses' reporting procedure
- Risk assessments procedure
- Stress at work policy
- Managing violence and aggression in the workplace procedures
- 'Sharps' awareness training
- Zero tolerance policy for verbal and physical abuse

All new staff including agency and contract staff must complete a health and safety induction within the first week of employment. The induction ensures that:

- ✓ they are provided with sufficient information to undertake their role safely.
- ✓ their training needs are analysed, and relevant training arranged.
- ✓ the risks they are exposed to are identified and controlled and relevant control measures such as safe systems of work and personal protective equipment (ppe) are provided where deemed necessary.

All line managers are responsible for completing risk assessments for the work activities undertaken by the staff they directly manage, and for ensuring that all relevant control measures are implemented to reduce the risk to the lowest possible level.

We offer an Employee Assistance Programme giving free access to specialist information consultants and counsellors who can offer assistance 24 hours a day.

Housing staff and TMOs

Our staff must also undertake adequate risk assessment for all activities, including the planning of work when preparing enforcement action. In many cases this necessitates careful pre-planning and interagency meetings where risk management and personal safety of officers is discussed to ensure that there is shared risk assessment.

Accident, Incident and Abusive Behaviour reporting

Any member of staff who is threatened or abused, either verbally or physically, or who suffers an accident at work is required to report the incident. We have an 'Accident and Incident' on-line reporting tool. Managers are required to review all incidents and implement further controls where necessary to prevent reoccurrence.



In some instances, individuals will be risk assessed and 'flagged' with a risk flag on our housing management database, to record their address and the potential risk they pose to staff.

The City Council ensures that reports are followed up where appropriate in case there is a need for changes to our health and safety policies or procedures.

Legal remedies

From time to time further action has to be taken to protect staff dealing with serious anti-social behaviour, such as threatening behaviour.

The City Council works closely with the Police to ensure that criminal proceedings are taken where appropriate, for example when a member of staff is harassed, threatened or assaulted.

We also use our powers under the Anti-social behaviour, crime and policing Act 2014, where appropriate, to protect our staff.

19 TRAINING OF STAFF DEALING WITH ASB

We believe that the learning and development of our staff is key to providing a high-quality service to residents now and in the future. Learning and development enables our staff to be competent at their jobs in order to meet organisational objectives and to enhance their personal development.

We provide regular training for all staff on topics such as equalities, health and safety, dealing with violence and aggression. In addition, specialist courses are run on a wide variety of community safety related subjects including enforcement legislation, ASB policy, procedures and case management.



PROCEDURES

20 INTRODUCTION

This section of the Statement provides information on the procedures ordinarily followed in dealing with anti-social behaviour (ASB).

It covers the following areas:

- Making a complaint of ASB
- Processing a complaint of ASB
- Supporting complainants and witnesses
- Options employed to tackle ASB, including enforcement action
- Domestic violence and abuse
- Data collection and monitoring ASB

The procedures show how the policies outlined in the first part of the Statement are put into day-to-day practice in dealing with ASB. Unless stated otherwise, they are applicable to both tenants and lessees.

The procedures are not set in stone as the City Council considers it can be more effective in combating ASB if it retains flexibility and discretion. This allows us to adapt our response to particular cases and improve practice over time.

Information on the organisational structure of those dealing with ASB is included in Section 3 of the Statement of Policies. In summary:

- The local housing authority is responsible for developing housing strategy and ensuring consistency with the City Council's overall strategy.
- Our housing service discharges our landlord and housing management duties and ensures the housing strategy is put into practice.
- We also have 8 tenant management organisations (TMOs) who manage various estates across the city, in accordance with the terms of their management agreements.

Our Housing ASB team manages all casework from start to finish. TMOs – with the exception of Millbank Estate Management Organisation (MEMO) – investigate and deal with initial complaints and refer any complex ASB cases, including those requiring legal action, to the Housing ASB team. MEMO retain full responsibility for managing all ASB cases, including taking enforcement action.

21 MAKING A COMPLAINT OF ASB

ASB can be reported to the City Council in various ways. Where appropriate, ASB can also be reported to the Police or to one of the City Council's dedicated hotlines, e.g. the 'Westminster 24/7' out-of-hours service or the Noise Team. Details of our



offices, the Police and a whole range of other useful contact numbers are given at Appendix A.

Complaints can be made in any format:

- By telephone
- In person
- By E-mail
- In writing
- On-line to our website
- By someone acting on behalf of the resident e.g. a Councillor or a Care Manager.

The complaint does *not* have to be in writing.

Where possible, anonymous allegations of ASB are investigated, although in the absence of knowledge of who made the complaint or other evidence, it may be difficult to progress the investigation. Some complaints, such as incidents of criminal damage or serious noise disturbance may be identified at the outset as more appropriately dealt with by another agency, such as the Police or the City Council's Noise Team. They will be referred accordingly.

22 PROCESSING A COMPLAINT OF ASB

With very limited exceptions all confidential information received is treated in confidence. The exceptions arise when there is a duty to report to another authority or agency, for example where a child is in need and there is a requirement to contact Childrens Services, or if we are required to make disclosure in legal proceedings or by Court Order.

Translation services or an interpreter are provided if required.

If a complaint about ASB is reported to us we will *aim* to respond, where resources permit, within 20 minutes during office hours where the ASB is in progress, and within 24 hours in all other cases.

Outside of office hours complainants may contact our emergency out-of-hours service ('Westminster 24/7') on 020 7286 7412. Depending on the circumstances, Westminster 24/7 will either advise the caller to contact the Police, or the Council's 24/7 Noise Team on 020 7641 2000. Westminster 24/7 may also contact the local duty officer for advice, as necessary. Details of the report will be forwarded to the Estate Office the next working day, for appropriate follow-up action.

All reports of ASB are logged on our housing management system and a risk assessment is completed. Where a home visit is required and a risk to the health and safety of staff is identified, alternative arrangements may be made, such as contacting the Police.

Investigating a complaint

- **The complainant is interviewed**



The complainant is advised that when the alleged perpetrator is contacted the complainant's name will not be given. However, in many situations, the perpetrator may at some stage guess who has complained from the description of events.

It is likely the case manager will ask:

- What is the problem?
- Where does it/did it happen?
- When does it/did it happen?
- Who else witnessed the incident or is affected?
- What effect is the nuisance having on the victim or witness?
- Why does it happen?
- Would the complainant be prepared to make a statement or give evidence?

It may be suggested that the complainant contact the perpetrator directly. This would not be suggested where there has been any threat of violence or where there is harassment. However, in many cases, this may be considered the best way to resolve issues at an early stage. We have a "Dear neighbour" card to facilitate such contact anonymously.

The case manager will explain how the complaint will be investigated and the timescales. The complainant will be advised how to notify us of any further incidents should they occur. There is a range of leaflets available which provide further information, e.g. "Resolving Problems with your Neighbours" and "Tackling Anti-Social Behaviour".

An action plan on how the complaint will be dealt with will be agreed with the complainant.

- **Independent enquiries** will be made where possible following the initial interview, and subject to the complainant's agreement. This may involve contacting the Police or other Council services such as the 24-hour Noise Service, Residential Services, the Youth Offending Team (YOT) or Children's Services. Depending upon the circumstances of the case, it may include contacting other residents to check if they are aware of the nuisance or ASB.
- **The alleged perpetrator** will ordinarily be contacted, interviewed and advised of the nature of the complaint.

If the alleged perpetrator accepts that they have caused a problem, they will be asked not to cause a nuisance again and warned that if they do so, further action may be taken.

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 (see Section 23). 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 problem.



If the alleged perpetrator makes counter-allegations these may also need to be investigated.

Notes of telephone complaints and interviews will be made and logged on our housing management system together with any relevant correspondence. All cases are logged for ASB case management purposes and for recording ASB statistics (see Data Collection and Monitoring sections of this document in sections 38 and 39 below).

In cases of ASB where the identity of the perpetrator(s) is unknown, we will endeavour to establish this information using our own staff and possibly that of other agencies such as the Police, the Council's Neighbourhood Problem Solving co-ordinators and the local Residents' Association, depending upon the circumstances of the case.

If a report of ASB is received, the ASB team will:

- Treat the complaint seriously.
- Aim to respond, where resources permit, within 20 minutes during office hours where ASB is in progress and within 24 hours in all other cases.
- Assign a named officer to lead on the complaint, who will aim to keep the resident informed on progress of action taken and also inform the complainant as soon as possible if the named officer changes.
- Interview the complainant and ordinarily the perpetrator as well.
- Agree an action plan with the complainant. This will be recorded on the housing management system.
- Ensure the case is logged with the appropriate category, both for ASB case management purposes and for recording ASB statistics.
- Record notes of any conversations or interviews, together with any associated correspondence, on the system.

If the complainant is not happy with the service they have received:

Our complaints procedure can be used to make a complaint where someone is not happy with the service received. Details of this scheme can be found on our website: www.westminster.org.uk/yourhousing

Community trigger

In addition, if a victim of ASB feels that their complaint has not been dealt with effectively they can request a review of their case by raising a "community trigger". This is a new measure brought in by the ASB crime and policing Act 2014.

If a complainant has reported 3 incidents of anti-social behaviour in the previous 6 months, either to the council or to the police, and they feel that no action has been taken, they can start a community trigger.



A trigger can be activated on the Westminster Council website at <https://www.westminster.gov.uk/community-trigger>.

Once a trigger has been activated, the council will meet with all relevant agencies to try to resolve the issue.

The Council will send an acknowledgement within two working days. A panel of professionals from appropriate agencies will then meet within ten working days to review the case.

The complainant will be updated within twelve working days of the outcome and a proposed action plan (if applicable).

If a complainant remains unhappy, they can appeal the panel's decision. If so, they must do this in writing within 10 working days of receiving the decision letter. The appeal should be addressed to:

Community Trigger Appeals - Residential Services
Public Protection and Licensing
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

If the complainant is still unhappy, they can make a stage 2 complaint under the council's corporate complaints policy.

23 SUPPORTING COMPLAINANTS AND WITNESSES

The City Council has developed different types of support that may be offered to people suffering ASB or to witnesses who give evidence in respect of action taken to prevent ASB. In this document references to complainants include witnesses. Section 6 of this Statement sets out our general approach to supporting complainants. Below, more detailed procedures are outlined.

Support to complainants will be considered at the time of the initial interview and will be agreed as part of the action plan. The approach adopted to support a complainant will depend upon the nature of the ASB and its impact. Further support will be considered and discussed where:

- There are repeat complaints.
- The complaints become more serious.
- There is intimidation or harassment.

(This includes 'hate crime' where the perpetrator targets a victim because of his or her perceived membership of a certain social group. Examples of such groups include but are not limited to persons who are targeted because of their perceived race or ethnicity, religion or belief, sexual orientation, disability or transgender identity).

- There is domestic violence and abuse (see also later at section 36).



- The case is referred for legal proceedings.
- Before, during and after the case if there is a court hearing and the resident is a witness.

Following the report of ASB we will consider the following options to support the complainant:

- Linking the complainant to other witnesses.
- Providing information on support agencies such as Westminster Victim Support – which offers a Witness Service to help witnesses called to give evidence in court proceedings, or other specialist agencies, e.g. where domestic violence or hate crime is involved. See Appendix A.
- Making referrals to other agencies, with the complainant's consent.
- Completing a risk assessment for the case.
- Assessing the security of the complainant's home and, where appropriate improving security by, for example, providing chains, peep-holes and additional door-locks. Panic buttons may be provided by the Police, where considered appropriate.
- Providing emergency contact details.
- The use of independent sources of evidence such as a professional witness.

We will also:

- Assign a case manager to lead on the complaint who will aim to keep the complainant informed of progress on action taken.
- Provide information on what action other agencies such as the Police, may take, and where appropriate refer the matter to the Police, with the complainant's consent.
- Aim to remove graffiti within 24 hours and offensive graffiti within 12 hours.
- Aim to complete emergency repairs, such as works to remedy vandalism in shared areas where there is a health and safety risk, within 24 hours.
- Provide interpreting services where required.

Where enforcement action is being considered to deal with ASB, the ASB Team will:

- Consider the uses of civil remedies such as injunctions to protect a complainant.
- Advise complainants, as far as can be anticipated, the stages of the legal process.
- Work with other key agencies as far as possible to support the complainant in their home environment.
- Explain to complainants that it is a criminal offence to intimidate a witness and that the Police should be contacted urgently if there are any incidents of this nature.
- Consider using hearsay evidence (i.e. evidence given on behalf of the complainant by a third party, such as a Housing Officer) if the complainant is too frightened to give evidence, even though this may not be as persuasive as direct evidence.



- Keep any complainants informed of the progress of the case as far as is possible and maintain support by making contact as the case progresses.
- Ensure local police teams are made aware, as appropriate.
- Ensure that Housing Officers and other estate staff pay special attention to observing and monitoring the area where the witness lives.
- Assist with a temporary or permanent move, where there is a real risk of violence. In emergency cases, e.g. where the individual is in immediate danger, the City Council's Housing Solutions Service will assess whether temporary accommodation is appropriate. In non-emergency cases, where there are exceptional circumstances, we will consider each case to determine whether a permanent move should be agreed under the terms of the City Council's Management Transfer Policy.
- Provide access to telephone and/or face to face interpreters.

Where there is a court hearing, the ASB team will:

- Explain as far as can be anticipated what is likely to happen at Court and how long the hearing may last.
- Arrange a meeting to discuss what is likely to be required of witnesses and the questions they may be asked in relation to their evidence.
- Consider assisting with transport to and from the court.
- Check with the Court whether there is a separate waiting room that can be used for witnesses.
- Consider the use of any new witness protection measures where possible and where permitted by the Court, e.g. screening of witnesses, giving evidence over a remote video link.

After any court hearing, the ASB team will continue to support witnesses. They will:

- Inform witnesses of the outcome of the court hearing, preferably in person and thank them for their participation. This will be followed with a letter giving the results of the hearing and explaining the outcome.
- Provide ongoing witness support, if necessary.
- Consider publicity on a case by case basis and in liaison with the City Council Corporate Communications Teams and Legal Services. The City Council's Legal Services are required to clear all press releases. Particular consideration will be given to any publicity involving children, and any relevant policy or protocols. Public interest will always be taken into account.

Details of a range of support services are included in Appendix A.

Community remedy

This was introduced by the ASB, crime and policing Act 2014. It gives victims a say in the out of court punishment of perpetrators for low level crime and ASB.

This is a police power. When dealing with ASB or low-level offences they may use a community remedy document in order to engage the victim in having a say in the punishment of a perpetrator.



24 PROFESSIONAL WITNESS SCHEMES

The Statement of Policy at Section 6 recognises that whilst the best evidence will come from direct witnesses (and consequently complainants are encouraged and supported in giving evidence) there may be circumstances where it is unreasonable to expect a person to give evidence directly. In such circumstances, the ASB team will consider the following options:

- Using the evidence of staff particularly where they have first-hand knowledge of the ASB. The staff used may be Housing Officers/ASB case managers or City Council officers, for example the Noise Team. Staff may give hearsay evidence in civil proceedings. That is, evidence of what s/he has been told by a person who directly witnessed the ASB. Hearsay evidence may for example be used if there is a need to avoid revealing the identity of a complainant.
- Using the evidence of the Police, in accordance with the Safer Westminster Partnership's Information Sharing Protocol. The type of information the Police may be able to provide is witness statements, details of callouts made to Housing properties and/ or relevant convictions.

The information the Police supply is in **strict confidence**. However, with Police agreement it may be relied upon in evidence when taking appropriate enforcement action.

- Referring cases, depending on the circumstances, to a specialist professional witness service to gather and present evidence of ASB.

25 REHABILITATION OF PERPETRATORS AND SUPPORT FOR VULNERABLE GROUPS

When managing the response to a complaint of ASB, the ASB team will consider whether the perpetrator may require specialist support to address problems and behaviours which are impacting on the wider community. This may include perpetrators with drug or alcohol dependency, mental and physical health needs, young people at risk of offending or further offending, gang members, families in need of support.

The ASB team will consider the circumstances of the individual case and, if support is deemed appropriate, will discuss the available support options with the perpetrator and/or the perpetrator's family in the case of young people. These options include:

- The Tenancy Support Service offers advice and assistance to adult perpetrators whose tenancy is threatened because of their ASB or other serious breaches of their tenancy conditions. Tenants eligible to receive support may be vulnerable for a variety of reasons including drug or alcohol misuse or mental health problems. See Section 10 above.



- Support to users of drugs and alcohol is also available through the commissioned services. See Section 13 above.
- Support to juvenile perpetrators is offered through various diversion schemes and through engagement with the Council's Young People's Practitioners (YPPs), and the Early Help Specialist Practitioner (Anti-Social Behaviour), details of which are given in the Statement of Policies. The offer of support to juvenile perpetrators is also an integral part of the ABC procedure, through which we can offer a range of services either directly or by referring the young person to other relevant agencies. See Section 11 above.
- Support to gang members is offered through the 'Your Choice' programme, which is managed by the City Council's Integrated Gangs Unit. See Section 11 above.
- Support to families at risk of losing their home as a result of ASB may be offered, in appropriate circumstances, through the City Council's Family Recovery Programme which also includes a Family Coaching Service. See Section 11 above.

If the perpetrator is willing to engage with the support on offer, then an appropriate referral will be made.

Safeguarding vulnerable adults

When investigating a complaint of ASB, the ASB team will also consider whether a victim may have been specifically targeted because of their vulnerability. If there are concerns about potential adult abuse, the ASB team will liaise with Adult Services (Safeguarding Team) and the Police as appropriate.

As stated in Section 13 above, our housing management procedures give guidance to Housing Officers on identifying vulnerable people and how to ensure that their needs are met through liaison with Adult Services and by signposting to other appropriate agencies.

Safeguarding children

If, on investigating a complaint of ASB, the ASB team has concerns that a child or young person may be being harmed through abuse or neglect, they will contact the Council's Access to Children's Services Team (020 7641 4000). They will contact the Police if there are concerns about the immediate safety of a child or young person.

As stated in Section 13 above, our housing management procedures give guidance to Housing Officers on how to identify and respond to the signs of abuse or neglect of children/young people.



26 OPTIONS EMPLOYED TO TACKLE ASB

In many cases where a report of ASB or nuisance is received, an interview or a warning letter from the ASB team may be enough to stop the behaviour. However, there are situations where these early warnings are ignored.

A number of options will be pursued in the first instance to try to get people to change their behaviour, rather than have a court order imposed on them. For this reason, legal proceedings – particularly possession proceedings - are ordinarily considered as a last resort.

That said, when investigating the circumstances of a complaint of ASB, we will not hesitate to pursue possession action at an early stage, including as a measure of first resort, in cases which are of a serious or criminal nature and cause upset/distress to the community, and where such action is proportionate and reasonable in the circumstances.

Section 3 above sets out the general approach adopted by the City Council.

The various options we use are detailed under separate headings below. They include: warning and banning letters, mediation, acceptable behaviour contracts and acceptable behaviour agreements (ABCs and ABAs), civil injunctions. Additionally, and where appropriate, we will consider possession proceedings, on both discretionary and mandatory grounds and demotion of tenancies (in the case of tenants only) and forfeiture (in the case of lessees only).

27 WARNING AND BANNING LETTERS

Warning letters

We will send a warning letter when we have evidence that the alleged perpetrator is responsible for acts of ASB and where all early interventions such as initial letters or interviews have failed to resolve the problem. The aim of a warning letter is to put the alleged perpetrator on notice that unless the ASB ceases we will take further action including formal legal proceedings depending on the circumstances.

Banning letters

We will consider using banning letters where an individual or individuals have been identified as causing ASB in or around the Council's housing stock and where the individual(s) in question do not live there and have no reason to be there.

The letter is sent to the individual's home address and confirms that:

- They have come to notice as a result of their ASB in or around a named estate.
- they do not live on the estate and therefore have no reason to be there.
- they are banned from returning to the estate, on threat of further action if they do return.



Although banning letters are not legally enforceable, they can often be successful in deterring perpetrators from returning to a particular location, without the need for recourse to formal legal action.

28 MEDIATION

Mediation is a process in which a neutral and independent mediator helps people in dispute work out an agreement. It helps people come together to resolve their disputes rather than imposing solutions on them.

It can help resolve disputes involving:

- | | |
|--------------|------------|
| √ noise | √ children |
| √ boundaries | √ rubbish |
| √ parking | √ animals |
| √ harassment | |

Cases are referred to independent, professional mediation services that treat any information they receive in confidence. If residents do not speak English, the mediators will try to match them with someone who speaks their own language.

We may refer cases for mediation if:

- The dispute is a fairly new one.
- Both parties are willing to try it – although a case can occasionally be referred even if only one of the parties agrees.
- Where the issues are within the control of the parties.

The advantages of mediation are:

- It provides an alternative to going to court (although if the mediation is not successful and the ASB continues, this would not stop the ASB manager from instructing solicitors to take legal proceedings at a later stage);
- It can help stop disputes escalating and taking up a lot of management time;
- It can help neighbours understand each other;
- It can provide a speedy solution to disputes;
- It is provided at no cost to the parties in dispute.

Where there is a case that could possibly be resolved through mediation, the housing officer speaks to both parties to get their agreement. Residents can also ask to be referred to the mediation service.

Those taking part in mediation must sign a data consent form to show that they agree to their personal details being referred to a third party, i.e. the mediation service.

Mediation is totally confidential and once it has started, no specific details of the mediation will be shared with housing staff.



29 ACCEPTABLE BEHAVIOUR CONTRACTS (ABCs)

A brief description of ABCs can be found in section 11 above.

ABCs are used to try and stop ASB involving young people under 18 years of age and who live in homes managed by the City Council.

ABCs:

- Are a voluntary agreement between a young person and the ASB team, the Police and the Council's Early Help Team (who work with young people), endorsed by the parents of the young person.
- Provide an opportunity for a young person to be challenged about their behaviour at an early stage.
- Provide an opportunity to identify any problems that may be contributing to the cause of the anti-social behaviour e.g. educational difficulties, family situation, support needs.
- Initially last for six months.
- List the type of behaviour that is agreed as being anti-social for example, congregating in stairwells and other shared areas, threatening and verbally abusing other residents, criminal damage.
- Explain the consequences of not complying with the ABC. If the ABC is breached, application may be made for a civil injunction. If an injunction is breached, this could result in either a fine or a prison sentence. The ABC may also warn that possession proceedings of the property in which the young person lives may be started, by serving a Notice of Seeking Possession on the tenant.
- Can be used for any young people who are responsible for ASB in and around the City Council's housing stock and who live in homes managed by the City Council.

ABCs are not:

- Legally binding contracts - although they can be used in legal proceedings to show that the landlord has tried other ways of challenging the behaviour before taking enforcement action.
- An alternative way of dealing with criminal behaviour. Criminal behaviour will still be dealt with through the criminal justice system in the usual manner.

The following is a summary of the processes involved in deciding whether an ABC is appropriate, setting up an ABC and monitoring it:

1. If either the ASB team or the Police are concerned about the behaviour of a young person, "X", their name is discussed at the local ward briefings which involve the Police, the Early Help Specialist Practitioner (Anti-Social Behaviour) and the ASB team.
2. "X's behaviour is monitored and if there is clear evidence of "X's involvement with the ASB, the decision may be made to proceed with an ABC.
3. X and their parents will be invited to a meeting to discuss the ASB.
4. At the meeting:



- **The ASB manager** will explain the details of the ASB and the effects on other residents;
 - The **Police** will raise any issues that have come to their notice;
 - The Early Help Specialist Practitioner (ASB) from the **Early Help Team** will see if they can offer support to “X” to help deter him/her from ASB - this could be help with education issues, help with gaining employment or referrals to a youth club. They will also offer appropriate advice to the parents - this could be a place on a voluntary parenting group;
5. A full discussion will be held with all parties, including “X”, who will be fully involved in drafting the terms of the ABC. The ABC will list the types of ASB that “X” agrees not to continue and state the consequences of not keeping to the agreement. The agreement is then signed by “X”, their parents, the ASB manager and the Police. A copy of the agreement will be given to “X” and their parents, and another copy will be placed on the file.
 6. **If “X” or his parents refuse to sign the ABC**, the ASB manager will advise that this refusal will be noted on the file and that “X’s behaviour will still be monitored, and that further enforcement action may be taken.
 7. **If “X” complies with the terms of the ABC**, the Early Help Specialist Practitioner will arrange an interview/home visit halfway through the contract period. At the end of the ABC, the Practitioner will send separate letters of congratulations to both “X” and their parents. This will include a reminder not to get involved in ASB again.
 8. **If “X” does not comply with the terms of the ABC**, the details of the incident(s) will be discussed at the next local ward briefing. If the incident is a serious breach of the agreement, the case may be discussed at a Case Conference to look at potential enforcement action, including a civil injunction. The original ABC may be extended for a further six months to allow “X” more time to comply, or further enforcement action may be agreed.

Acceptable Behaviour Agreements (ABAs) are similar to ABCs. An ABA is the name given to an agreement with adults responsible for ASB. However, a modified procedure is followed when ABAs are agreed.

30 CIVIL INJUNCTIONS

Civil injunctions have replaced ASBOs. 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).
- Breach is not a criminal offence.
- Scope for positive requirements to focus on long term solutions.

Injunctions can be useful:



- When there is a need to exclude a person from specified places or area.
- In emergencies when a quick result is needed.
- To protect witnesses from the threat of violence.
- When used either prior to or together with possession proceedings.
- When there is a need to take action against one person in a household, not the whole family.
- When there is a need to take action against an absentee lessee who has failed to remedy ASB being caused by their subtenant(s).
- When there is a need to deal with a problem in situ, rather than displace it.
- A power of arrest can be attached to an injunction in certain circumstances, so that if it is breached, arrest may follow.

A civil injunction will not ordinarily be used as a first option in dealing with ASB. Before making an application, the City Council will consider whether:

- There is sufficient evidence that an identified individual has acted in a manner that has caused harassment, alarm or distress (non-housing related ASB) or conduct capable of causing nuisance or annoyance (housing related ASB).
- A court is likely to find the order is just and convenient to prevent ASB.
- Alternative remedies have been considered and / or used to try and stop the ASB. This could include warnings, voluntary agreements, mediation and the use of ABCs.
- Another type of enforcement action may be more appropriate and has not been used. This could include action using the Environmental Protection Act such as an Abatement Notice, criminal prosecution by the Police or action by Social Services such as a Supervision Order.

An interim injunction is a temporary order, made in advance of the main hearing. For very urgent cases, an interim injunction without notice to the perpetrator can be sought.

A final injunction is issued following a final hearing when all the evidence is heard in full, and the court has given due consideration to all the issues.

For any application against an under 18-year-old we will consult with the youth offending team. This will facilitate discussions around agreeing any prohibitions or positive requirements.

Other types of injunctions –

- The City Council may rely on *section 222 of the Local Government Act 1972* to seek an injunction to protect the interests of inhabitants in its area from public nuisance. A section 222 injunction may be either prohibitive or mandatory. A prohibitive injunction obtained under s222 may have a power of arrest attached to any provision of the injunction in circumstances where the Court thinks that either the conduct consists of or includes the use of threatened use of violence or there is a risk of significant harm to a person. (The City Council is unlikely to rely on this provision now that the civil injunction is in place.)



- *A Gang Injunction under the Policing and Crime Act 2009* may be sought by the police or local authority to prevent an individual from engaging in, or encouraging or assisting, gang-related violence and/or to protect the individual from gang-related violence. This is a civil order granted in the County Court or the High Court. Gang injunctions should be based upon and supported by multi-agency partnership working. An application requires consultation with the local authority, chief police officer and other relevant agencies. There is no minimum length of the order but prohibitions within the order cannot last for more than two years. Prohibitions can include non-association, exclusion, wearing gang colours or being in control of a dog in a public place.

An exclusion area (which could exclude someone from their home) and/or power of arrest can be attached to injunctions where there has been violence, the threat of violence or there is a significant risk of harm.

When deciding whether to apply for an injunction, the City Council is likely to consider the following:

- whether there has been a recent breach of the law, or conditions of a tenancy or a lease.
- the seriousness of that breach.
- whether the breach has continued despite warnings.
- whether a criminal prosecution may be a more appropriate remedy.
- the urgency of the case.
- the particular circumstances of the person/s against whom the proceedings are contemplated.
- that injunctive relief is a proportionate remedy in the circumstances.
- the risk of harm to any person.
- the extent of upset and distress caused to the community.
- legal advice.



31 POSSESSION PROCEEDINGS – TENANTS

Taking possession proceedings, which could lead to a tenant being evicted from their home is usually only used as a last resort, when other appropriate methods of trying to stop the ASB have either failed or been exhausted.

Where possession is sought on the basis of the ASB of tenants and/or members of their household, the court must be satisfied, on the evidence provided, that it is reasonable and proportionate to grant possession. The exception to this is where possession is sought against an introductory tenant (see below) or using the new mandatory grounds for possession (see below).

Factors that make it more likely that we will seek possession are:

- the nuisance is continuing.
- the nuisance is very serious.
- the nuisance has persisted over a long period.
- warnings to the tenant have been ignored.
- an injunction will not prevent future problems.
- extent of upset/distress caused to the community.

In cases which are of a serious or criminal nature and which cause upset/distress to the community, we will not hesitate to pursue possession action at an early stage, including as a measure of first resort, where such action is proportionate and reasonable in the circumstances.

Factors that make it less likely that we will seek possession include:

- the tenant is elderly or has special needs.
- the tenant has retaliated or responded to provocation by another party.
- the nuisance has ceased.
- a considerable amount of time has elapsed since the nuisance ceased.
- the victim has been transferred.

Possession proceedings for Introductory Tenants

The City Council adopted an Introductory Tenancy Scheme in February 1997. Since this date all new tenancies created are Introductory Tenancies, apart from those where the tenant is already a secure or assured tenant.

Introductory Tenancies last for 12 months.

In the case of:

- ✓ introductory tenants in Community Supportive Housing for older people.
- ✓ and all other introductory tenancies granted *before* the Council introduced flexible tenancies in September 2013.



the introductory tenancy becomes a secure tenancy after 12 months, unless we have started legal action to gain possession or have extended the introductory period for a further six months. We will generally only start possession action where there has been a serious and persistent breach of the Conditions of Tenancy.

Introductory tenancies in general needs housing which were granted *after* the introduction of flexible tenancies in September 2013 become flexible tenancies after 12 months, unless we have started legal action to gain possession or have extended the introductory period for a further six months.

Extending an Introductory Tenancy

An Introductory Tenancy can be extended for up to a further 6 months (s125A of the Housing Act 1996, as inserted by the Housing Act 2004).

If there have been any breaches of the tenancy conditions during the introductory tenancy, the Housing Officer (and the ASB manager in the case of breaches for ASB) will decide whether it is appropriate to extend the introductory tenancy or start possession proceedings to end it.

Extending the tenancy is done by serving a Notice of Extension no later than six weeks before the end of the introductory period of the tenancy.

The tenant has 14 days from the date of service of the Notice to request a review of the decision to extend the introductory period.

Initiating possession proceedings

Under the Introductory Tenancy scheme, the Council does not have to prove to the Court any of the grounds set out in the Housing Act 1985 for seeking possession. The Court must make a possession order where it is satisfied that the statutory notice and review procedures have been carried out lawfully.

Below is an outline of the procedures the Housing Officer/ASB manager will follow when taking possession of a property let under an introductory tenancy and where ASB is involved:

They will:

- Take into account Human Rights Act considerations.
- Generally, refer the tenant to either Social Services or the Tenancy Support Scheme before serving a Notice if the tenant is vulnerable.
- Serve a Notice of Proceedings for Possession (NPP). As the Notice period specified in our NPPs is 6 weeks, this will be served at least 6 weeks before the end of the 1-year introductory tenancy period.



- Inform the tenant that he has 14 days from the date of service to request a review. This can be based on a written submission or a hearing can be requested.
- Present the case to the Review Panel at any hearing that has been requested.
- Confirm the outcome of the review in writing to the introductory tenant within 5 days of the decision made.
- Where the review is upheld, i.e. the Panel does not find sufficient evidence to terminate the tenancy, the Notice will be withdrawn, and the introductory tenancy will continue. (A Notice can be re-served at any time during the period of the introductory tenancy for further breaches of the tenancy.)
- Where the review upholds the decision to seek possession, the Housing Officer/ASB manager may refer the case to Court to obtain a possession order.

Referral to Court and Eviction

- The Housing Officer/ASB manager will inform the introductory tenant that a possession hearing has been requested to seek eviction and that if they are evicted, they may be considered intentionally homeless.
- The Court will grant a Possession Order if it is satisfied that the NPP and any review hearing has been carried out lawfully.
- Application may be made for a warrant to enforce the possession order. The introductory tenant will be advised in writing of the eviction date and details of the case will be referred to the City Council's Housing Solutions Service and Social Services.

Judicial Review

The introductory tenant has the right to request a judicial review of the Panel's decision to seek a possession order. Judicial Review proceedings must be issued promptly, and at the very latest within three months of the date the decision. Independent legal advice should be sought urgently.

Secure Tenants (including flexible tenants) – discretionary grounds for possession due to anti-social behaviour

Where possession proceedings are issued under the Housing Act 1985, the court has discretion as to whether or not to grant a possession order on the basis of anti-social behaviour (whether that ASB is caused by the tenant, or people who live with the tenant or visitors to the household).

The grounds for possession available to the landlord under a secure tenancy are set out in Schedule 2 to the Housing Act 1985:



Ground 1

Rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed.

Ground 2

The tenant or a person residing in or visiting the dwelling house:

a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
b) has been convicted of:

- Using the dwelling -house or allowing it to be used for immoral or illegal purposes, or
- An indictable offence committed in, or in the locality of, the dwelling house - this includes crimes such as burglary, theft, robbery, criminal damage, assaults and drug-dealing.

When considering whether it is reasonable to grant a Possession Order on the grounds of nuisance or annoyance, the courts must give particular consideration to the actual or likely effect of the ASB on the victim and the wider community. However, the court is also required to look at “mitigating factors” such as mental health issues.

Ground 3

Ground 3 applies where the condition of the dwelling house or common parts have deteriorated due to acts of waste by, or the neglect or default of, the tenant or any other person living with him or her. Where the acts or default are those of a lodger or sub-tenant it must also be shown that the tenant has failed to take reasonable steps to remove the lodger or sub-tenant.

This ground may be appropriate in the following circumstances:

- Where the tenant has pulled down part of the premises.
- Where he or she has made unauthorised alterations.
- Where he or she has accumulated a lot of rubbish in the flat which is causing a nuisance to other residents.

In summary, the steps the ASB manager will follow when taking possession of a property for ASB will include:

1. Ensuring that all other appropriate interventions have been considered and liaison completed with Social Services and other support agencies if the tenant is vulnerable or there are children involved.
2. Consideration of Human Rights Act and Equality Act 2010 issues.
3. Prior to issuing a Notice of Seeking Possession (NOSP), interviewing the tenant and issuing a final written warning about the ASB.
4. Issuing a NOSP.



5. Monitoring the ASB.

If the ASB has stopped, then no further action is taken.

If the ASB continues, we will consider issuing legal proceedings for possession.

6. Legal proceedings

The City Council's Legal Services team acts in possession cases. We have agreed time frames to ensure that cases are progressed quickly.

The ASB manager should also write to all the complainants advising them that the case has been referred to court and reminding them to record any further incidents of nuisance

7. Court hearing date

When the ASB manager receives notification of the Court date, they should confirm this with both with the defendant, and the witnesses. They will also endeavour to arrange a meeting with the witnesses to explain as far as they are able, the court procedure.

8. Outcome of hearing

The Court may refuse to grant a possession order, or if it grants one, it has powers to adjourn, stay, suspend or postpone the date of possession and can impose conditions.

Where the Court grants possession it has a number of possible options:

- **Outright order:** This grants possession to the landlord forthwith or after a specified period, typically 28 days. (NB: a bailiff's appointment must be arranged before the tenant is evicted, unless the tenant voluntarily surrenders possession).
- **Suspended order:** The possession order is suspended, either for a fixed period, or indefinitely - subject to conditions to which the tenant must keep. Where possession has been sought due to ASB the suspension of the order is ordinarily based on the ASB stopping. If the ASB continues, then the ASB manager may apply to the court for the order to be enforced.
- The Court may accept an **undertaking** from the defendant to the court not to continue committing the nuisance or ASB. Breach of an undertaking given to a Court is contempt of court and proceedings may be issued for contempt - so this is similar to an injunction (see above).
- If the court is not satisfied that either a ground for possession has been proved or that it is reasonable to make an order for possession, it must **refuse to make an order** for possession.

9. After the court hearing

The ASB manager will write to the defendant and the witnesses to explain the implications of the court hearing. In the case of vulnerable tenants, they will inform Social Services of the decision of the court.

10. Eviction

An authority to evict form should be completed by the ASB manager and signed off internally. If eviction is agreed, we will apply for a warrant to enforce the



possession order.

The ASB manager will confirm the date of the eviction to the tenant. The ASB manager will also advise the witnesses that an eviction has been scheduled, without giving the precise date. The witnesses will be informed after the eviction has taken place.

Flexible tenancies – additional options for tackling anti-social behaviour

A flexible tenancy is a form of secure tenancy but for a fixed period (usually five years). As with any other secure tenancy, a flexible tenancy starts with a one-year introductory period and is subject to the same rules for obtaining possession during the fixed term.

A review is carried out with the tenant before the end of the fixed term. Following the review, and in accordance with the Council's own tenancy policy, most tenants will get a new five-year flexible tenancy at the same address (or another address if there is under-occupation).

However, some tenants who have breached their tenancy agreement during the initial five-year period, e.g. by causing ASB, may only be offered a new flexible tenancy of two years (instead of five years).

In cases of serious ASB some tenants may not be offered a new tenancy at all, e.g. serious and persistent tenancy breach or a serious housing related ASB conviction.

Renewing a flexible tenancy for a shorter (i.e. two year) period

If the tenant has received warnings about a breach of the tenancy agreement as a result of ASB during the initial five-year period, and there is evidence that the breach is continuing at the time of the review, the Housing Officer and the ASB manager will consider whether it is appropriate to renew the tenancy for a period of two years instead of five years.

As stated earlier in Section 10, the use of shorter tenancies in these circumstances is intended to help reinforce the tenant's responsibilities under the tenancy agreement and to enable any necessary support to be put in place.

In summary, the Housing Officer/ASB manager will take the following steps:

- Carry out a review meeting with the tenant at least eight months before the end of the current flexible tenancy.
- Assess the nature and extent of any breaches of the tenancy involving ASB.
- Decide whether such breaches warrant a renewal of the tenancy for two rather than five years.



- Following the outcome of the review, confirm and explain to the tenant any decision to renew the tenancy for a two-year period rather than a five-year period.

Ending a flexible tenancy (i.e. non-renewal of the tenancy)

In cases where there has been a serious and persistent breach of the tenancy agreement, e.g. as a result of ASB, or where the tenant or a member of their household has been convicted of serious housing-related ASB, the Council may choose, in accordance with its tenancy policy, not to renew the tenancy and may apply to the Court for a possession order.

With a flexible tenancy the Court must award possession as long as the fixed term has expired, the correct notices have been served, the Council's decision not to renew is in line with its tenancy policy, and any request to review that decision has been considered.

In summary, the Housing Officer/ASB manager will take the following steps:

- Carry out a review meeting with the tenant at least eight months before the end of the current flexible tenancy.
- Assess the nature and extent of any breaches of the tenancy involving ASB.
- Where such breaches have been serious and persistent, decide whether it is appropriate to recommend non-renewal of the tenancy (for example, if the seriousness of the breach(es) is at a level where it would be deemed reasonable for the City Council to seek possession of the property).
- Where non-renewal is recommended, seek approval from a senior manager (Area Manager level or above).
- Following the outcome of the review, confirm and explain to the tenant any decision not to renew the tenancy.
- Serve a Notice of Non-Renewal at least six months before the current tenancy expires.
- If the tenant appeals against the decision not to renew the tenancy, arrange for the appeal to be heard within twenty-one days of being lodged. [The tenant must lodge any appeal within twenty-one days of service of the Notice of Non-Renewal. The appeal must be heard by a more senior manager than the manager involved in the decision not to renew].
- Prior to the last day of the tenancy, serve two months' Notice requiring possession of the property.



- If the tenant does not voluntarily surrender possession of the property by the expiry of the two months' Notice, refer the case to the Council's Legal Services team for possession proceedings to be started.

Secure Tenants – mandatory grounds for possession due to anti-social behaviour

The ASB, crime and policing Act 2014 introduced a new absolute ground for possession of secure tenancies where ASB or criminality has already been proven in another court. Unlike the discretionary ground for possession there is no need to prove to the court that it is reasonable to grant possession.

This power will be used selectively for the most serious cases of ASB to expedite the eviction of the most anti-social tenants. It will be authorised at a senior level.

The power may be used in the following five situations if the tenant, a member of the tenant's household, or a person visiting the property has been:

- Convicted of a serious offence (specified in Schedule 2A of the Housing Act 1996).
- Found by a court to have breached a civil injunction.
- Convicted of breaching a criminal behaviour order (CBO)
- Convicted for breaching a noise abatement notice, or
- The tenant's property has been closed for more than 48 hours under a closure order for ASB.

As with introductory tenants (see above) secure tenants have the right to request a review of the decision to seek possession. The procedure to be followed will be the same as that for introductory tenants requesting a review.

32 FORFEITURE ACTION - LESSEES

General

As in the case of possession proceedings for tenants, forfeiture action to end a lessee's lease is ordinarily only considered in extremely serious cases, when all other avenues have been explored and have failed to resolve the ASB. This is because:

- The Courts are reluctant to make an award for forfeiture.
- It is seen by the Courts as a draconian remedy - the lessee will lose not only their home but also any equity in the property. Additionally, they will remain liable for any monies secured against the property (e.g. any outstanding mortgage).
- Proceedings are lengthy and with no guarantee of success.



Consequently, before taking any decision to pursue forfeiture action, the ASB manager will consult fully with the City Council's Legal Services team and other senior staff internally.

Monitoring the ASB

As with any case of ASB, the ASB manager will monitor the situation and maintain regular contact with the complainants/victims of the ASB.

If the ASB stops, either as a result of voluntary action by the perpetrator or as a result of enforcement action (e.g. injunction) then no further action will be taken.

If the ASB continues the ASB manager will consider the appropriateness of forfeiture action.

Initial considerations before starting forfeiture action

The ASB manager will:

- Satisfy him/herself that all other appropriate interventions/enforcement actions have been exhausted and have been unsuccessful in resolving the ASB.
- Seek the views of the appropriate staff as to the appropriateness of forfeiture action.

It is particularly important to involve the Lessee Services Manager because the forfeiture action may be strengthened by including any other breaches in the same action, e.g. arrears of service charges, failure to register an assignment.

- Investigate the lessee's circumstances in case there are issues around vulnerability, by contacting any known family and making any appropriate referral to Social Services.

Referral to the City Council's Legal Services team

Having taken into account any views as to the appropriateness of forfeiture action, the ASB manager will refer full details of the ASB case (including details of any other breaches of the lease) to the City Council's Legal Services team.

If the Legal Services team advises that forfeiture action is appropriate and has a reasonable prospect of success in the Courts, the ASB manager will:

- Alert relevant staff internally that forfeiture action is to be pursued.
- Liaise closely with them throughout all subsequent proceedings.
- Write to all the complainants advising them that forfeiture action is being pursued and reminding them to record any further incidents of nuisance.



Serving a 'section 146 Notice'

Once a decision to pursue forfeiture action has been taken the City Council's Legal Services team will advise the ASB manager on the arrangements for serving a formal notice on the lessee under section 146 (1) of the Law of Property Act 1925 (commonly known as a 'section 146 Notice').

Court proceedings cannot be started unless a section 146 Notice has been served. However, since 28th February 2005, landlords are prevented from serving a section 146 Notice in respect of any breach by a lessee of a covenant or condition in the lease *unless*:

- a) the lessee has admitted the breach; or
- b) a court has finally determined that the breach has occurred

If the lessee has not admitted the breach or a court has not made a final determination that a breach has occurred, the landlord must apply to the First-tier Tribunal (Property Chamber) for a determination that a breach has occurred.

The ASB manager will advise the complainants of the requirement to apply to the Tribunal and will confirm with them the arrangements for providing witness statements and supporting evidence, as well as attendance at the Tribunal itself.

Application to the Tribunal will be made by the City Council's Legal Services team.

If the Tribunal determines that a breach of the lease has occurred, a formal section 146 Notice may be served on the lessee. The Notice must specify the breach of the covenant and require the lessee to remedy this within a reasonable period. If the lessee fails to comply with the section 146 Notice the case will proceed to court.

Once formal proceedings have been started the Legal Services team will be in contact with the lessee/their solicitors and will ask the ASB manager for any further information as necessary, e.g. comments on any defence or counter-allegations submitted by the lessee. The Legal Services team will give guidance to the ASB manager at each stage of the case's progress.

In view of the significant risk to the lessee (loss of home, any equity in the property, remaining liability for charges secured against the property) there is a high likelihood that the case may be settled before it reaches court. However, once a case has been listed for a hearing by the court the ASB manager should appropriate staff.

Involving the mortgagee

It can sometimes be effective to involve the lessee's mortgage lender if there is a breach of the lease. The mortgage lender will want to safeguard its investment and may be willing to intervene to avoid forfeiture action being taken.

Involving the mortgagee may bring extra pressure to bear on the lessee to abate the nuisance, particularly if nuisance is being caused by a lessee's subtenant(s) and the lessee has sublet the property in contravention of their mortgage agreement.



The ASB manager will discuss the appropriateness of involving the mortgagee with the Lessee Services Manager and the Legal Services team. Obviously, this option will not be possible if the lessee does not have a mortgage.

Before approaching the lessee's lender, the ASB manager will first ensure that:

- the lessee has been advised in writing to resolve the nuisance.
- the lessee has been advised in writing that such action is being taken.
- other means have been tried and have failed to achieve a response.

Court hearing date

When the ASB manager receives notification of the Court date, they should confirm this with the witnesses and endeavour to arrange a meeting with them to explain as far as they are able, the court procedure.

Outcome of hearing

On considering the Tribunal's decision and any further evidence of ASB since the Tribunal hearing, the court will generally grant a forfeiture order which stipulates the date on which possession must be surrendered.

However, the Court may refuse to grant a forfeiture order if it feels that, taking into account all the circumstances (particularly if the ASB has stopped since the Tribunal decision), such an order is disproportionate. In such an instance, the court can, on application by the City Council's legal representative, grant an order requiring the defendant to refrain from continuing any breach in the future.

After the court hearing

The ASB manager will notify appropriate staff of the outcome of the hearing.

The ASB manager will also write to the defendant and the witnesses to explain the implications of the court hearing. In the case of vulnerable lessees, they will inform Social Services of the decision of the court.

Eviction

If the lessee has not surrendered possession by the date specified in the forfeiture order or has not made an application for relief within the time allowed, then the ASB manager will instruct the Legal Services team to apply for a bailiff's warrant to evict the former lessee.

The ASB manager will advise the witnesses when the former lessee has vacated the property or, in the event that the former lessee does not vacate the property on the required date, that an application for a bailiff's warrant has been made.



The witnesses will be informed after the eviction has taken place.

33 DEMOTED TENANCIES

Applying for a demotion order

We can apply to the County Court for an existing secure tenancy (including flexible tenancies where there is more than 12 months of the fixed term remaining) to be ended by a demotion order. If the demotion order is granted, the tenancy is reduced to a less secure form of tenancy that is referred to as a "demoted tenancy". Demotion may be sought where:

- The tenant or his visitors have used the premises for illegal purposes or has behaved in a way which is capable of causing nuisance or annoyance to any other person; and
- It is reasonable to make the demotion order.

The period of demotion will initially be for 12 months but may be extended if the landlord serves notice to seek possession of the property during this period.

Some of the effects of the Demotion Order:

- the tenant stays in their property.
- a serious warning is given to the tenant since, if the ASB continues, swift action can be taken to end the tenancy.
- It also removes a number of secure tenancy rights e.g. the right to buy the home and the right to exchange the home with another tenant.
- Any period during which a tenant holds a demoted tenancy will not be included in the qualifying period for the purposes of right to buy, nor will it be taken into account in calculating the level of discount to which the tenant would otherwise be entitled.
- Obtaining possession of the property will become much more straightforward for the Council following the grant of a demotion order.

The following will stay the same under the newly demoted tenancy: the amount of rent payable, the date that rent is payable. Any rent arrears will still be owed and credits will remain unchanged.

Use of demoted tenancies

We may seek a demotion order where there has been ASB but we do not wish to evict the person from the property outright. Instead we may wish to give a very strong warning to the tenant that they may lose possession of their property if they, their family or their visitors continue the ASB, or otherwise breach the terms of the tenancy. For example, we may apply to demote a tenancy rather than seek possession where the ASB is caused by a child but where the parent is attending parenting classes to try to control their child's behaviour.

Ending a demoted tenancy



- Where the City Council is **satisfied** with the tenant's conduct during the period of demotion and have not taken action to recover possession of the property, then **the demoted tenancy will automatically revert to a secure tenancy (which may be a flexible tenancy depending on when the tenancy was originally granted)**.
- **Where the tenant's ASB persists**, the City Council may decide to take action to re-possess the property. This may be because of further incidents of ASB but may also be for any other breach of the tenancy agreement such as rent arrears.

If the decision is made to take possession action, the tenant will be served with a notice stating that the landlord has decided to apply to the court for an order for possession, setting out the reasons for that decision and informing the tenant of his/her right to request a review of the decision to apply for possession.

Tenants' Right to Review

The tenant has a right to an internal review of a decision to end a demoted tenancy. The review mirrors the process currently adopted by the City Council in relation to reviews for introductory tenancies. (See section on possession proceedings for introductory tenants in Section 32 above)

If the Review Panel endorses the decision to apply for possession, the court is required to grant a Possession Order. Unlike possession proceedings under the Housing Act 1985, the Court will not have any discretion. The tenant will only have a limited right to challenge the Panel's review decision by way of Judicial Review proceedings.

34 OTHER LEGAL ACTION

The ASB manager may also liaise with the other departments of the City Council or organisations such as the Police on using a number of other powers provided by the Anti-social Behaviour, Crime and Policing Act 2014 to deal with ASB.

Community Protection Notice

Council officers have the power – along with police officers – to issue community protection notices to stop a person aged over 16 committing ASB which affects the community.

The behaviour must be having a detrimental effect on the community, be persistent and unreasonable.

The Community Protection Notice is particularly suited to environmental issues such as graffiti, rubbish, and noise nuisances.

A written warning must be given first. The written warning must make clear to the individual that if they do not stop the anti-social behaviour, they could be issued with a Community Protection Notice.



Public spaces protection order

This is a council power designed to stop individuals or groups committing ASB in public spaces. This power can be used in collaboration with the Police.

These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.

Breach of this order is a criminal offence.

Noise Abatement Notice

The City Council has a Noise Team that operates 24 hours a day, 365 days a year, responding to complaints about noise including noise from parties and loud music. The team aims to respond to telephone complaints about noise within 45 minutes, either by telephoning or by visiting the complainant in order to investigate the noise complaint.

Legal action in noise cases may be taken under the statutory nuisance provisions of the Environmental Protection Act (EPA) 1990.

If the noise is such that there is a statutory nuisance, the City Council may serve a noise abatement notice. Failure to comply with the Notice is an offence. The matter is heard in the Magistrates Court, which could result in a fine of up to £5,000.

It is also possible to seize equipment.

The EPA can also be used to remove vehicles that are causing a statutory nuisance by creating an excessive amount of noise or abandoned vehicles that can be classified as “hazardous waste”.

If the ASB does not stop as a result of a Notice, this may be used as evidence in other enforcement action.

- Protection from Harassment Act 1997

This is a police power, but the City Council may use evidence of harassment notices and of convictions under this legislation in taking action for ASB

- Criminal Damage Act 1971

This legislation can be used to deal with cases of vandalism and graffiti. The City Council may use convictions for criminal damage to assist them in taking further action for ASB, where appropriate.

35 DOMESTIC VIOLENCE AND ABUSE

Responding to a report of domestic violence or abuse



If a resident either phones us or presents as being a victim of domestic violence (DV) or abuse, the first thing we will be concerned about is their safety.

We will:

- encourage the victim to contact the Police, offering to let them ring from the Estate Office if necessary.
- make it as easy as possible for victims to report DV to us and make sure they are safe and know what to do if the situation changes.
- Ensure they have the contact details of a named Housing Officer and those of the Westminster 24/7 out-of-hours service.
- Provide support for as long as it is needed.
- Respect the victim's wishes if she/he does not wish the housing officer to make contact (but try and obtain a safe way of contacting them, if possible, e.g., a mobile phone number or safe times).
- Respect confidentiality, sharing information with other officers as authorised and on a 'need to know' basis only.

If there is an immediate risk of harm and the victim thinks it is unsafe for them to go back to their home the Area Team will contact the City Council's Housing Solutions Service regarding the possibility of emergency bed and breakfast accommodation. The Area Team will also consider the suitability of a management transfer as a more permanent measure.

Interviewing the victim

The Area Team will:

- Interview the victim immediately or within 1 working day if they contact us by telephone.
- Conduct the interview in a private room, making sure there are no interruptions.
- Provide an interpreter if needed.
- Try to arrange for the interviewer to be the same sex as the victim.
- Be sensitive and appreciate that it is important to listen and that it may not be appropriate to ask all questions and fully complete all the DV case forms at the first interview [although a Consent Form must be completed in all cases – see below].



- Make sure that the victim understands the Consent Form and completes it before the confidential part of the interview starts.
- Use an approved Interview Check List which lists the main issues the Housing Officer needs to cover during the interview.
- Complete a Standard Risk Assessment Form for all cases being logged on the housing management system. This ensures that an assessment of risk is undertaken for all ASB related cases that are reported and informs the need for any risk flagging at an early stage.
- Signpost the victim to specialist support and advice by giving them details of ADVANCE (Westminster's Independent Domestic Violence Advocacy service) and the Westminster Domestic Abuse Surgery (a drop-in service which provides impartial, expert advice without the need for an appointment), and a range of other specialist agencies.
- Encourage the victim to seek independent legal advice. [ADVANCE can help signpost them to this if needed]
- Make sure the victim has somewhere safe to store any information they are provided with.
- Offer either to ring the support agencies on the victim's behalf or let them call from the office if they so wish.
- Encourage the victim to prepare a Safety Plan, both for their day to day protection and in case they have to leave in a hurry. [A specimen safety plan will be provided]

Housing Options

The Estate Team will talk about the possible Housing Options that are open to the victim. These include:

- Going to a refuge. Advice can be obtained from the 24 hour National Domestic Violence Helpline.
- Staying with family and friends. (but this likely to be short-term only and may not always be appropriate)
- Going to the City Council's Housing Solutions Service for advice/emergency re-housing.
- Asking for a management transfer.
- Making a referral for security improvements under the City Council's Sanctuary Scheme if the victim wants to stay in their home.



- Taking legal action to give the victim the right to occupy their home or to exclude the person responsible for the abuse. [Residents are advised to get independent legal advice to assist them with this]

MARAC - Multi Agency Risk Assessment Conference

In order to improve support for victims of domestic violence, Westminster has adopted a partnership case management approach known as MARAC.

The key elements of the MARAC are:-

- A process for assessing the risk to victims of DV and identifying the highest risk DV cases.
- A monthly meeting where agencies can discuss high risk cases of DV in order to improve the safety of victims and their families.
- A range of enhanced interventions for those victims identified as being at high risk of further harm.

Any agency can make a referral to MARAC using the approved MARAC referral form. To be included within the MARAC the victim must be assessed as being at a high or very high risk of harm of DV by the referring agency.

In such high-risk cases the Housing Officer will:

- Explain the MARAC process to the victim before seeking their permission to complete the form.
- Complete the MARAC risk indicator checklist in the MARAC referral form. If the case meets the threshold for referral as indicated in the form, the Housing Officer will complete the whole form and refer the case to MARAC within 24 hours of the interview. [Cases not meeting the threshold can also be referred on the basis of professional judgement]
- On the day of the interview and subject to the victim's agreement, make a referral to ADVANCE (female service users only), which offers independent DV advice and support.

The Sanctuary Scheme

This is a victim-centred initiative which aims to make it possible for victims of DV to remain in their homes and feel safe. The scheme makes residents' homes more secure, e.g. with extra locks, strengthened doors and in some cases a safe room ('sanctuary room') within the flat. It means that residents can stay put rather than have to move out.

The works are carried out and paid for by the City Council at no cost to the resident. The scheme is open to all residents living in the City of Westminster. The aim is to complete the works within a maximum of 6 weeks from referral.



The Area Team can refer any resident who is a victim of domestic violence and who, in their opinion, may benefit from the scheme. Referral is made using an approved Referral form.

Landlord consent is required before any works can proceed.

Sanctuary works cannot be carried out where there is a joint tenancy unless the alleged perpetrator has been excluded from the property by a court order for a minimum of 12 months.

Action against alleged perpetrators of DV

The Housing Officer/ASB manager will consider taking action against alleged perpetrators wherever possible. This should be discussed with the victim, as the safety of the victim, any dependent children and others such as family members or partners (who may not live with the victim) remains a priority.

This can be done:

- Using Ground 2a of the Housing Act 1985 which allows possession to be sought when a victim has left because of violence by their partner and the Court is satisfied that the person who has left is unlikely to return. This ground should be considered where the partner has been re-housed because of the violence and the alleged perpetrator left in occupation is a tenant. The Housing Officer will discuss such cases with the ASB manager, who will advise and seek legal advice as necessary before a Notice of Seeking Possession (NOSP) is issued.
- If the re-housed partner was a joint tenant or sole tenant and has terminated the tenancy by serving a valid NTQ after being re-housed, the remaining party should be treated as an illegal occupier.

36 CLOSING A CASE

When a complaint of ASB is received, the City Council aims to investigate, monitor and progress the case to its conclusion.

There are a number of circumstances when a case will be closed including where:

- the ASB has stopped.
- there is insufficient evidence to take any action.
- the behaviour cannot be reasonably classed as ASB or a nuisance.
- the perpetrator has moved.
- the complainant has moved.
- where no reports of nuisance or ASB have been received for four weeks.

If no complaints of nuisance or ASB have been received for four weeks, a letter may be sent to the complainant indicating the intention to close the case and inviting any comments. If there is no response within that time, the case will generally be



considered as closed. There may be occasions when cases are closed before the expiry of four weeks.

We aim to resolve and close all cases as soon as possible and within a maximum of 16 weeks, excluding those that are being progressed to legal enforcement action.

Should there be any further instances of ASB at a later stage, these will be recorded and investigated according to the procedures set out above.

37 DATA COLLECTION

Recording of ASB incidents and reports

All cases of ASB/nuisance reported to us are logged and recorded on the housing management system. Most of these reports are made by residents, but the figures should also include reports made by staff, police and others.

For recording purposes, we use the Housemark ASB Benchmarking Categories, which are based on the National Standard of Incident Recording 2011.

Examples of activities by category that may cause ASB are given in Section 2 'What is Anti-Social Behaviour?' and include noise, misuse of communal areas, domestic abuse and hate related incidents.

Data collection of ASB through visual audits

Estate services staff report incidents of criminal damage and graffiti that they see in their daily or weekly inspections.

Quarterly inspections of the communal areas of the estates provide another opportunity to check for environmental damage and/or misuse of public spaces. These inspections are carried out by the Area teams and a representative from the local Residents' Association (RA).

Satisfaction surveys

We measure our residents' satisfaction with the response to reports of ASB as part of our annual housing management survey, which covers all tenants and lessees. Also, through ongoing surveys of tenants and lessees, whose cases of complaint have been closed on our housing management system.

Resident satisfaction is a key measurement for us in assessing performance in tackling ASB. We are committed, along with our partners, to tackling anti-social behaviour, improving the security of homes and creating safer communities and will continue to develop this work.

Westminster City Council data collection

The City Council collects and analyses data on crime and ASB citywide on an ongoing basis. Relevant housing data is collected monthly to be included in this



analysis. This data is used to inform the Council's Crime and Disorder Reduction Strategy for the next three years.

Safer Westminster Partnership

The Safer Westminster Partnership has a duty to conduct a crime and disorder audit every three years. They must then publish a three yearly crime and disorder reduction strategy.

38 MONITORING ASB AND THE ASB SERVICE

The City Council is aware that residents' satisfaction with their homes is closely interlinked with their experience and perceptions of anti-social behaviour and how the landlord deals with these problems.

The purpose of collecting this data is to:

- Identify geographic "hot spots".
- Highlight key priorities and areas of concern.
- Target resources appropriately.
- Evaluate success of initiatives to combat ASB.

Ways in which ASB is monitored:

- Ongoing monitoring by ASB managers of performance reports across a range of measures and performance indicators on nuisance and ASB produced from the housing management system.
- Key ASB performance measures reported in the monthly citywide housing service performance pack.
- We are a member of the Housemark Benchmarking group where social landlords compare the levels of ASB reported and their responses and actions taken. Housemark's ASB benchmarking system is the country's leading tool to help social landlords measure and understand the ASB they are tackling.

Regular reports on core areas of activity in tackling ASB include:

- Number of new ASB cases.
- New cases by National Standard for Incident Reporting (NSIR) category.
- Number of new cases by type of ASB.
- Actions taken to tackle ASB.
- Number of live, resolved and unresolved ASB cases.
- Number of resolved cases by main intervention, e.g. closure, possession.
- Average number of days taken to resolve ASB cases.

39 CONCLUSION

The Statement of policies and procedures is intended to demonstrate our commitment to dealing properly and effectively with ASB. The Policy section aims to give readers an overview of the principles underlying our approach to ASB. The



statement on procedures provides information on how reports of ASB are processed and on the range of options available to tackle ASB. It outlines the processes we will generally follow and the advantages and disadvantages of selecting any specific option.



APPENDIX A – key contact details

CWH Head Office and Area Offices

Westminster City Council 64 Victoria Street London SW1E 6QP Phone: 0800 358 3783	North Area Service Centre 1 Glasgow House Lanark Road London W9 1QY Phone: 0800 358 3783	West Area Service Centre 155 Westbourne Terrace London W2 6JX Phone: 0800 358 3783
	Central Area Service Centre 24 Lilestone Street London NW8 8SR Phone: 0800 358 3783	South Area Service Centre 137 Lupus Street London SW1V 3HE Phone: 0800 358 3783

Tenant Management Organisations

Hide Tower Resident Management Board Hide Tower Office Ground Floor Hide Tower Regency Street London SW1P 4AA Phone: 020 7630 1129	Lilestone Tenants' and Residents' Management Co-op 1 Wyatt House Frampton St London NW8 8ND Phone: 020 7723 2808	Millbank Estate Management Organisation Reynolds House Courtyard Erasmus Street Millbank Estate London SW1P 4HP Phone: 020 7976 5788
Odhams Walk Resident Management Board Stairwell G, 62B Odhams Walk Long Acre London WC2H 9SD Phone: 020 7379 6005	Carlton Vale Resident Management Organisation 1 Helmsdale House London NW6 5EN Phone: 020 7624 0643	Tavistock Co-operative 1a Harford House 35 Tavistock Crescent London W11 1AY Phone: 020 7221 7241
	Torridon Co-operative Torridon House Randolph Gardens NW6 5HP Phone: 020 7625 8433	Maida Vale RMO 19a Thurso House Randolph Gardens London NW6 5EL Phone: 020 7624 3032



Police:

In an emergency dial 999 (101 for non-emergencies)

<p>Belgravia Police Station 202-206 Buckingham Palace Road SW1W 9SX</p> <p>Phone: 101</p>	<p>Charing Cross Police Station Agar Street London WC2N 4JP</p> <p>Phone: 101</p>	
<p>West End Central Police Station 27 Savile Row London W1S 2EX</p> <p>Phone: 101</p>	<p>Paddington Green Police Station 2-4, Harrow Road London W2 1XJ</p> <p>Phone: 101</p>	

Partnership contacts:

<p>‘Westminster 24/7’ (for the housing emergency ‘out-of-hours’ service)</p> <p>Phone: 020 7286 7412</p>	<p>24-hour Noise Service</p> <p>Phone: 020 7641 2000 www.westminster.gov.uk</p>
<p>Westminster City Council Community Protection Service</p> <p>Phone: 020 7641 1085</p>	
<p>Family Coaching Service</p> <p>Phone: 020 7641 2525 Email: triboroughfamilyrecovery@westminster.g ov.uk</p>	<p>Westminster City Council Children’s Services Team (where there are concerns about children’s welfare)</p> <p>Phone: 020 7641 4000 Email: <a href="mailto:accesstochildre services@westminster.g
ov.uk">accesstochildre services@westminster.g ov.uk</p> <p>Westminster Integrated Gangs Unit Email: integratedgangsunit@westminster.gov.uk</p> <p>www.westminster.gov.uk/yourchoice</p>



Crimestoppers

0800 555 111

Contact Crimestoppers anonymously with information about crime

Web: www.crimestoppers-uk.org

ChildLine

0800 1111

Private and confidential advice and support service for young people up to the age of 19

Web: www.childline.org.uk

Advice about rights and the law:

Paddington Law Centre

020 7839 2998

14 Irving Street
London
WC2H 7AF

Email: paddingtonlaw@dial.pipex.com

Westminster Citizens Advice Bureau

08444 771 611

21a Conduit Place
Paddington,
London
W2 1HS

Check website for opening times.

Web: www.westminstercab.org.uk

Rights of Women

Telephone advice lines, offering free legal advice on women's issues, including housing (not restricted to domestic violence)

General and family law advice line:

020 7251 6577

Criminal law and sexual violence advice line:

020 7251 8887

Check website to verify operating times of advice lines.
(Legal advice *not* provided via email)

Web: www.rightsofwomen.org.uk



Victim Support:

National Victim 'Supportline'

0845 30 30 900

Normal operating hours:

9am – 8pm Monday to Friday

9am – 7pm weekends

9am – 5pm bank holidays

Email: supportline@victimsupport.org.uk

Web: www.victimsupport.org.uk

Victim Support London

0845 450 3936

Telephone opening hours:

Monday to Friday, 8am to 8pm

Victim Support Westminster

020 7724 6032

Telephone opening hours:

Monday to Friday, 9am to 5pm

Email: vs.westminster@vslondon.org

Reporting Hate Crime:

Victims of hate crime include but are not limited to persons who are targeted because of their perceived race or ethnicity, religion or belief, sexual orientation, disability or transgender identity.

Dial 999 if in immediate danger.

True Vision

Police funded website which gives information about hate crime and how to report it, including using the National Hate Crime online reporting form. On completion, the form is submitted to the local Police service.

The website also provides information about help and support for victims.

Email: enquiries@report-it.org.uk



(General enquiries only. To report a hate crime use the online reporting form below)

Online reporting form: www.report-it.org.uk/your_police_force

Web: www.report-it.org.uk

Lesbian, Gay, Bisexual, Trans (LGBT) support and advice:

GALOP

020 7704 2040

Independent community-led organisation with charitable status, providing advice and support to LGBT people who have experienced biphobia, homophobia, transphobia, sexual violence or domestic abuse

Email: info@galop.org.uk

Web: www.galop.org.uk

London Lesbian & Gay Switchboard

Voluntary organisation with charitable status, providing free and confidential support and information to LGBT people.

Helpline:

0300 330 0630

Helpline operating hours:

Daily, 10am-11pm, 365 days a year

Email: chris@llgs.org.uk (for support enquiries only)

Web: www.llgs.org.uk

Domestic Violence and Abuse:

National 24-hour Domestic Violence Helpline
(run by Women's Aid and Refuge)

0808 2000 247

Dial 999 if in immediate danger.

ADVANCE

020 8960 7016

Westminster's Independent Domestic Violence
Advocacy service

Email: angelou@advancecharity.org.uk

www.advancecharity.org.uk



National Stalking Helpline

0808 802 0300

Provides guidance and information to anybody who is currently or has been affected by harassment or stalking.

Helpline operating hours:

09.30 – 16.00 weekdays
(except Wednesday: 13.00 – 16.00)

Email: advice@stalkinghelpline.org

Web: www.stalkinghelpline.org

Men's Advice Line

0808 801 0327

Provides advice and support for men experiencing domestic violence and abuse.

Helpline opening hours:

Monday to Friday, 9am to 5pm

Email: info@mensadviceline.org.uk

Web: www.mensadviceline.org.uk

Rape Crisis

National umbrella organisation supporting a network of independent member Rape Crisis Centres.

Rape Crisis National Helpline (freephone)

0808 802 9999

Helpline operating hours:

12 - 2.30pm; 7pm - 9.30pm

Email: rcewinfo@rapecrisis.org.uk
(Nb: unable to respond to a crisis situation by email)

Web: www.rapecrisis.org.uk



Honour-based violence or forced marriage

Honour Network Helpline

0800 5999 247

Web: www.karmanirvana.org.uk

Advice for perpetrators of abuse

Respect Phonenumber

0808 802 4040

Confidential freephone helpline offering advice, information and support to help perpetrators stop being violent and abusive to partners or ex-partners.

Helpline opening hours:

Monday to Friday, 9am to 5pm

Email: info@respectphonenumber.org.uk

Web: www.respectphonenumber.org.uk

Drug & Alcohol Services

Alcoholics Anonymous

National Helpline

0845 769 7555

Email: help@alcoholics-anonymous.org.uk

Web: www.alcoholics-anonymous.org.uk

FRANK

Free and confidential advice on drugs and alcohol

National Helpline
(24 hours a day, 365 days a year)

0300 123 6600

Email: frank@talktofrank.com

Web: www.talktofrank.com



APPENDIX B

CONDITIONS OF TENANCY

Section 4 - Living with your neighbours

Our responsibilities

- a** We will not interfere with how you use your home as long as you keep to the terms of this agreement and do not disturb your neighbours.
- b** We will investigate any complaints of nuisance or harassment and take appropriate action.

Your responsibilities

- c** You are responsible for the behaviour of all members of your household, including your children and any lodgers, subtenants or visitors. This applies in your home and in the shared parts of the estate and surrounding area.
- d** You and they must not do anything or threaten to do anything which causes or is likely to cause a nuisance or annoy someone else.

Examples of activities which cause nuisance and annoyance include, but are not limited to:

- loud noise from televisions and radios;
- loud music from music systems and musical instruments;
- noisy parties;
- too much noise from DIY;
- shouting and swearing;
- door slamming;
- dogs barking and fouling;
- dumping rubbish;
- vandalism and graffiti;
- noisy activities in shared areas;
- drunken behaviour in public places; and
- feeding pigeons.

- e** You and they must not harass or threaten any other person because of race, colour, sex, nationality, religion, age, mental illness, disability, sexuality or for any other reason.

Examples of harassment include, but are not limited to:

- violence or threats of violence;
- using abusive words or behaviour;
- writing abusive graffiti;
- damaging property; and
- stalking any other person.



- f** You and they must not use your home or any shared area for any illegal activity such as using drugs, drug dealing or prostitution.
- g** You and they must not use or threaten to use violence by using physical, mental, emotional or sexual abuse against anyone legally entitled to live either in your home or in another of our properties.
- h** You and they must not damage or deface our property. You are responsible for paying for any repairs that you cause or replacing items that you, or they, damage.
- i** You and they must not interfere with security equipment, like door-entry systems and closed-circuit television equipment, in shared areas. Doors must not be jammed open and strangers must not be let in without showing identification.
- j** You and they must co-operate with us and your neighbours to keep any shared areas clean, tidy and clear of obstructions.
- k** You and they must not assault or threaten any of our employees or agents or anyone else on the estate and the surrounding area.
- l** You and they must not break any of our regulations to do with your estate.
- m** You and they must not park on our property without authorisation. You and they must not block access points or obstruct emergency vehicles.
- n** You and they must not carry out non-routine car repairs, like paint spraying, or dump unwanted vehicles in shared areas.
- o** You and they must not keep a dog, bird or other animal in your home without our permission. The Tenants' Handbook gives details of when we will give permission.
- p** You must not keep liquid petroleum gas or any other flammable or explosive substance in your home or shared areas. You must also not do, or keep anything in these areas, which might affect the insurance of the property.
- q** If you have a garden, patio or balcony, you must keep it tidy. You must also keep emergency exits free from obstruction.



APPENDIX C

GLOSSARY

ABA	Acceptable Behaviour Agreement
ABC	Acceptable Behaviour Contract
AIDS	Acquired Immunodeficiency Syndrome
ASB	Anti-Social Behaviour
CBO	Criminal Behaviour Order
CCTV	Closed Circuit Television
DPA	Data Protection Act
DV	Domestic Violence
EPA	Environmental Protection Act 1990
FOI	Freedom of Information
FRP	Family Recovery Programme
GMAP	Gangs Multi-Agency Partnership
HIV	Human immunodeficiency virus
IGU	Integrated Gangs Unit
LGBT	Lesbian, Gay, Bisexual & Transgender people
MARAC	Multi-Agency Risk Assessment Conference
MAPPP	Multi-Agency Public Protection Panel
MASH	Multi-Agency Safeguarding Hub
MEMO	Millbank Estate Management Organisation
MOPAC	Mayor's Office for Policing and Crime
NEET	Not in employment, education or training
NOSP	Notice of Seeking Possession
NPP	Notice of Proceedings for Possession
PCSO	Police Community Support Officer
RIPA	Regulation of Investigatory Powers Act 2000
RP	Registered Provider (including Housing Associations)
SWP	Safer Westminster Partnership
TMO	Tenant Management Organisation
YCPP	Youth Crime Prevention Partnership
YOT	Youth Offending Team
YPP	Young People's Practitioner

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City of Westminster

Westminster City Council Anti-Social Behaviour Strategy

2023 - 2028

**Our 5 year strategy for a coordinated
community response to anti-social behaviour**



Foreword

Westminster has much to offer, diverse communities rich with culture, a thriving local economy, fantastic transport links, vibrant nightlife and some of the best access to green spaces in London.

We recognise that if our communities don't feel completely safe, these benefits cannot be accessed. Safety provides the platform to which those who live, work and do business in Westminster can access the incredible things our City has to offer.

Our strategy for a Fairer Westminster contains within it a commitment to ensure our communities can live in a safe place. Tackling Anti-social Behaviour (ASB) is vital to making sure this ambition becomes a reality. ASB impacts hugely on the lives of those who encounter it, and often can be an indicator of problems in the lives of those who commit it, which if not addressed positively or in a timely manner, can result in criminality and damaged life prospects.

We want everyone to know that when you experience ASB, support

is there for you to access. Where ASB is not addressed promptly, the risk to individuals, families and businesses grows. What might start as a small neighbourly dispute, can grow into a set of behaviours that are highly damaging to those that experience them. Supporting victims of ASB, whether that is a resident enduring an overly noisy neighbour, a business having to close early, or a community trigger applicant seeking further support, will always be a priority for the Council.

Our 5-year strategy to tackle ASB ensures that communities have the strength and knowledge to support our joint efforts to reduce ASB; perpetrators will find it harder to offend and be held to account when they do, and neighbourhoods will be safer, healthier, and more enjoyable places where our communities can live, work, and relax.

We are committed to ensuring that all victims are guaranteed the same level of response and support, regardless of tenure or type of ASB. That support will be delivered to meet the direct needs of the victim ensuring their cases are reviewed swiftly and efficiently so that



they no longer have to endure on-going ASB and the impacts upon them.

However, the Council cannot tackle all these issues on its own. Addressing ASB requires a multi-agency approach in order to deal with it and we will work continually with the police, housing providers, commissioned services, and communities in order to prevent, reduce and enforce against ASB.

We would like to thank all our residents, businesses and partners that contributed to the development of this strategy, particularly victims who bravely shared their experiences. We look forward to working with you to deliver an approach which is collaborative, coordinated, trauma-informed, intersectional, gender-informed, and above all puts victims' voices and specialist services at its heart.



Cllr Aicha Less
Cabinet member for
Communities and
Public protection



Cllr Liza Begum
Cabinet Member
for Housing services

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1. Introduction

Anti-social Behaviour (ASB) is not trivial. It is a damaging and unacceptable set of behaviours that can have detrimental and lifelong effects on those it affects. Westminster City Council stands against any and every form of anti-social behaviour.

No one organisation can end ASB alone. Although the Safer Westminster Partnership will take a strategic overview of ASB, we will take a place-based approach, calling on all of our partners and our communities to address ASB and its root causes.

Addressing ASB requires a multi-agency approach in order to deal with it and the council works continually with the police, housing providers, commissioned services, and communities in order to prevent, reduce and enforce against ASB.

This strategy focusses on behaviours and not the settings or circumstances that they are conducted in. ASB can involve young people, adults, homeless people and can occur behaviours within both residential and business environments. Our strategy is designed to impact ASB no matter where it takes place and by whom.

Westminster has some of the highest levels of ASB in London. This is why we have produced this strategy alongside partners, victims, businesses, and residents to: tackle the causes of ASB, intervene in any ASB, support the victims of ASB, bring those who commit ASB to justice and involving our communities in shaping the way we tackle ASB.

This strategy has been developed with the help of partners, residents, and businesses (including Business

Improvement Districts) across Westminster through a series of workshops and surveys. The feedback that these stakeholders have provided has shaped our objectives so that they reflect the desires of partners, residents, and businesses to tackle anti-social behaviour, in all its forms in Westminster.

Anyone who lives and/or works in Westminster understands that the City's vibrancy, size and dynamism inevitably leads to a certain level of noise. Westminster is undeniably busy, and people's lives are unavoidably intertwined. But the hustle and bustle does not excuse ASB in any form. Westminster City Council will continue to do everything in its power to minimise ASB.

Supporting those that have been impacted by ASB is and will always be a priority for the council.





2. What is anti-social behaviour?

The legal definition of anti-social behaviour is:

- (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

ASB, Crime & Policing Act 2014

- **Harassment** is aggressive pressure or intimidation of an individual. E.g., being verbally abused
- **Alarm** is anxious awareness of danger / makes (someone) feel frightened, disturbed or in danger
- **Distress** is extreme anxiety, sorrow, or pain / causing (someone) the feelings of anxiety, sorrow, or pain
- **Nuisance** is something or someone that annoys or causes trouble for someone
- **Annoyance** is the feeling of being slightly angry

Given the broad definition of ASB, we acknowledge that people have different tolerances and thresholds. Below are a few examples of issues that our communities have experienced and reported as ASB. Drug Dealing, Discriminative Behaviour (Hate Crime) and Vandalism (criminal damage) are criminal in nature and needs to be addressed by the Police.

We will work closely with the Police and partners to prioritise disruption of these types of behaviours, ensuring that all available tools and powers are being used together to protect our communities.

Drug misuse and dealing	Discriminative behaviour/ hostile acts	Vandalism and damage to property	Setting off fireworks late at night
Alcohol Related nuisance	Misuse of communal / public space	Litter, Rubbish and Fly-tipping	Rowdy and noisy behaviour
Vehicle Nuisance	Public Nuisance related to licensed premises	Garden Nuisance	Pets and Animal Nuisance



Under this Strategy, Westminster City Council **prioritises** the following high-risk behaviours for immediate response:

Definition:

1. Behaviour that presents a risk of serious harm to individuals or the peace of the neighbourhood, which may include violence, serious threats of violence or other criminal activity.
2. Any complaint where there have been previous incidents and it appears to the case officer that a greater risk has developed or may be developing.

This definition includes:

- Hostility towards a person’s race, sex or ethnicity, sexual orientation, disability, religion or belief, or transgender identity
- Physical violence and threats of harm, including to Council officers and contractors
- Child or adult safeguarding including modern slavery and cuckooing
- Serious harassment, intimidation, and threatening behaviour

Residents hearing noise from nearby properties is inevitable, whether it is a baby crying, lawn mowing, household DIY, loud talking, flushing toilets or the occasional argument. The Council **will not** investigate reasonable everyday behaviours under this strategy.

Westminster City Council will also **prioritise** the following behaviours that may not require immediate action to be taken.

Definition:

1. Behaviour that presents a risk to public health or nuisance.

This definition includes:

- Untidy gardens that may harbour vermin or present a public health risk.
- Litter, incorrect refuse disposal from domestic and commercial properties, fly tipping and dog fouling
- Running a business that negatively impacts on the neighbourhood such as irresponsible holiday lettings or on-street car maintenance
- Nuisance from vehicles such as pedicabs, fast food and other deliveries
- Inconveniently or illegally parked vehicles including dock less bikes and unmotorised pedicabs.

3. The Local Picture

Summary

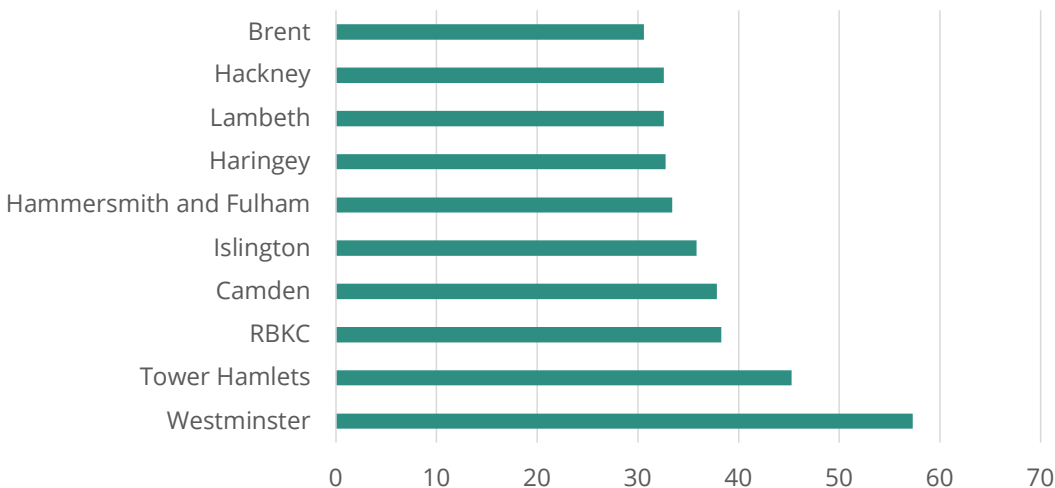
It is difficult to get a clear picture of ASB in Westminster, due to its ambiguous definition and the variety of mechanisms used to record and report it. What is clear is it is widespread across the borough in varying forms. Highest volumes are in the West End often linked to begging, homelessness, and drugs. More residential based ASB is concentrated in social housing and often linked to verbal abuse, noise, and drugs.

It impacts hugely on the lives of those who encounter it, and often is an indicator of problems in the lives of those who commit it which, if not addressed positively, can result in criminality and damaged life prospects. Some of the biggest risk factors are substance misuse and mental health. Repeat victimisation and repeat offending is a key driver to ASB and processes need to be in place to quickly identify and respond to this.

Nb. The Local Picture is based on data collated from October 2021 – September 2022, for the purpose of the Safer Westminster Partnership Strategic Assessment 2023.

Westminster has some of the highest rates of Anti-Social Behaviour in London. This is based on data from the Mayor’s Office for Crime and Policing (MOPAC) on ASB within London, which is the most consistent data set for comparison. This is demonstrated by the graph below.

Number of ASB calls made to the police broken down by Greater London boroughs (Oct 2022)



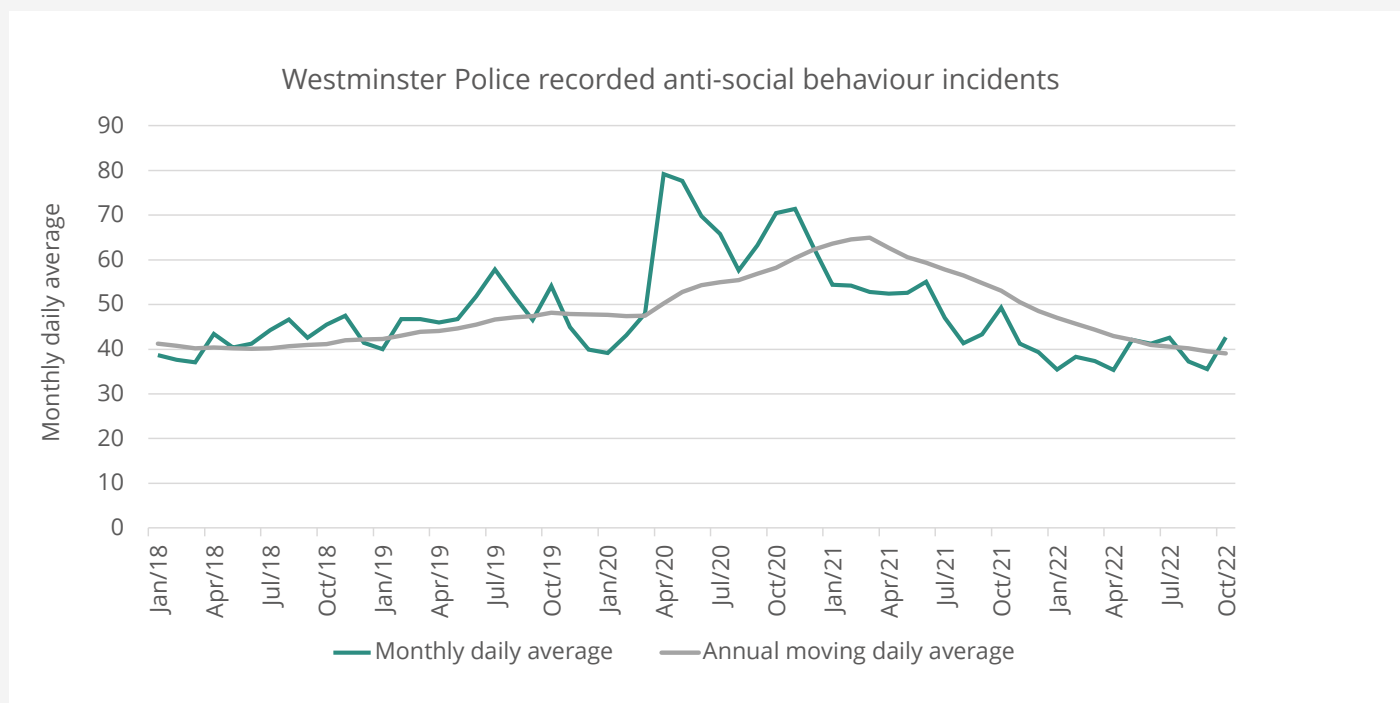
Data collection for ASB is recorded by different agencies and may reflect the roles and remit of the collecting organisation, ranging from incidents to ongoing case management. ASB data provided by, for example, social landlords will have differences from that derived from calls to the police in both source, capture and purpose.

Many issues raised as concerns by members of the public are not always either well reported or well captured by volume or case management ASB data systems. The picture of ASB will therefore remain questionable in relation to volumes and severity of issues across data sets and reporting mechanisms.

Police ASB

Over the year 2021-2022 there were 14,242 incidents of ASB recorded by the police in Westminster. That is on average 39 incidents of ASB a day.

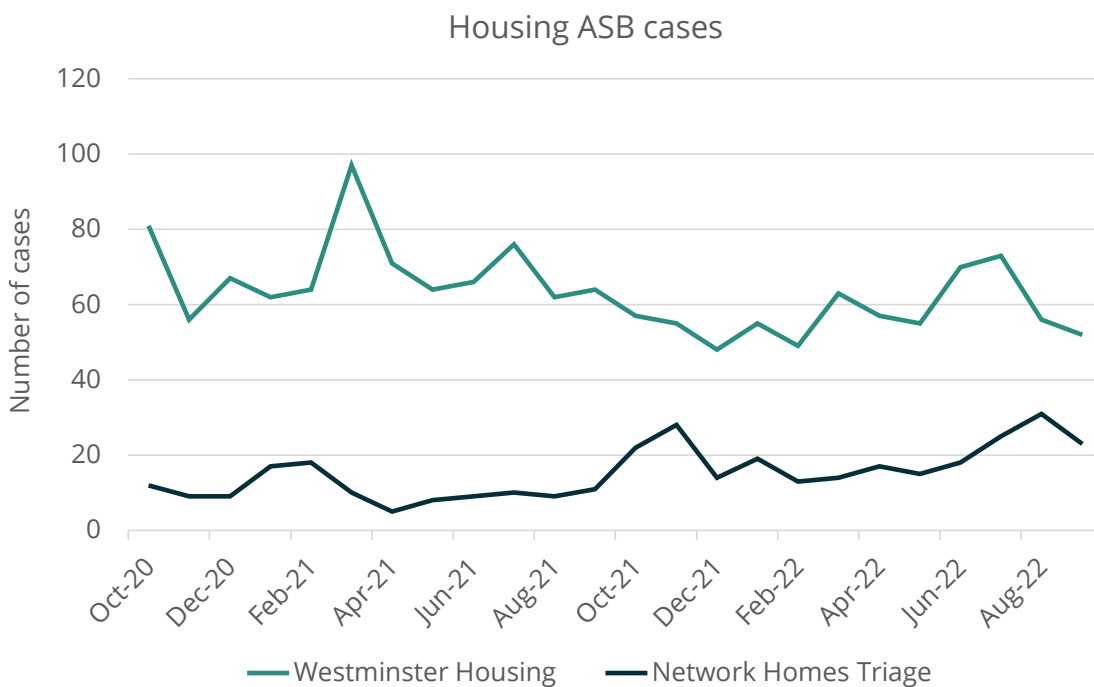
Police recorded ASB incidents increased significantly over the covid period. Since the end of restrictions incidents have plummeted towards the lowest levels recorded since 2013. Westminster accounts for 6% of all recorded ASB across the MPS.



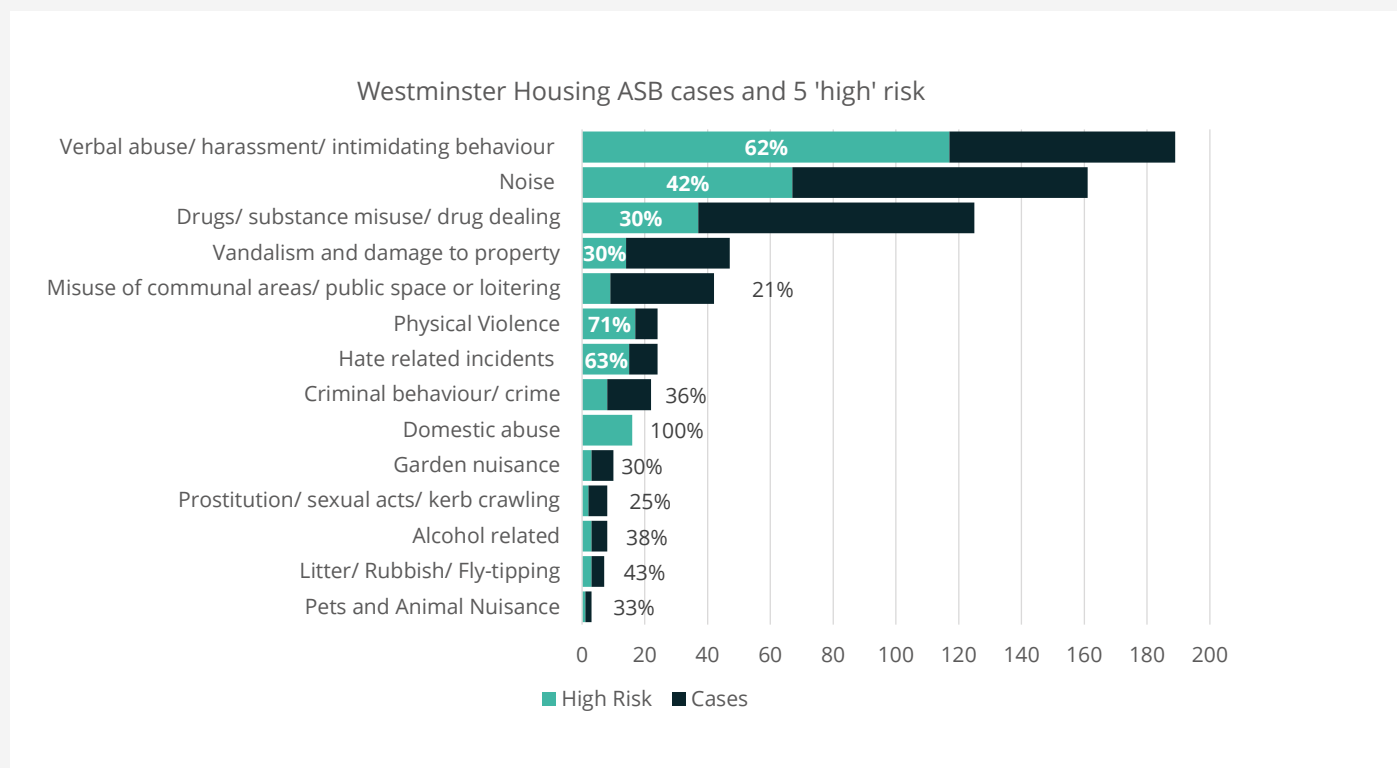
Housing ASB

Registered social landlords (RSLs) have a legal obligation to enforce on tenancy and civil matters. In Westminster, there are 16,000 housing units managed by approximately 40 Residential Housing Providers. About 15,000 of these units are social housing, representing 25% of all housing stock in Westminster.

Westminster Housing, who manage Westminster Council’s housing stock, recorded 686 ASB cases between October 2021 and September 2022, a 17% reduction on the 830 in the previous period. Within the same period Peabody Housing recorded 61 cases and triaged 239, compared to 95 and 127 in the previous period respectively. Octavia Housing recorded 18 cases within the same period.

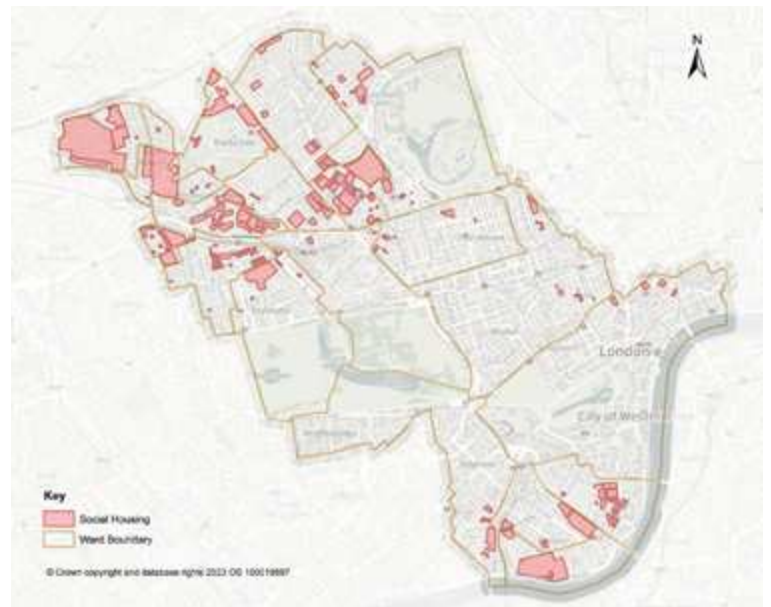
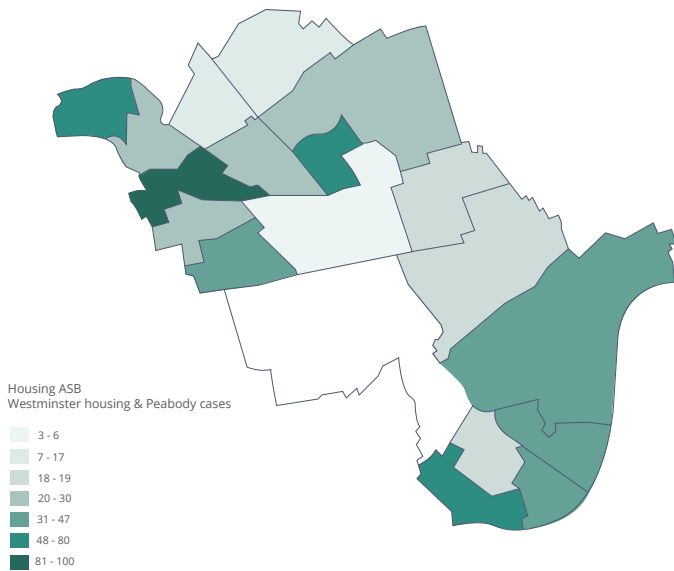


The most commonly categorised ASB cases by Westminster Housing were verbal abuse and threatening behaviour (28%), Noise (24%) and drugs/dealing (18%). Of note many of these incidents have descriptions associated with crime rather than ASB.



Approximately 46% of Westminster Housing cases were deemed 'high' risk. Enforcement action occurred more often where cases were categorised as higher risk (60%) and where there were repeat incidents. The most common ASB categories seeing enforcement actions were drugs/dealing, misuse of communal spaces, noise, physical violence and verbal abuse and harassment. Most interventions involved offering mediation (58%), followed by issuing a notice of seeking possession (20%).

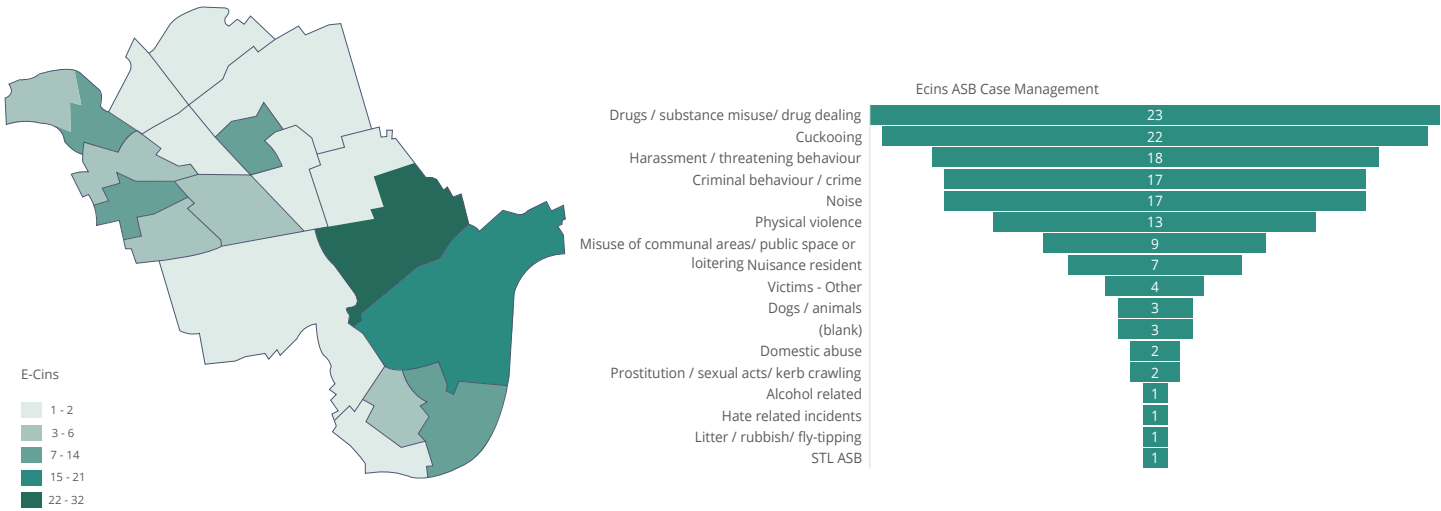
The location of housing association related ASB cases is strongly correlated with the location of their housing stock, i.e., in the northwest and south of the borough. These are also the areas of highest deprivation in the borough and are strongly linked with issues of youth violence.



Nearly half (49%) of cases were identified as involving repeat victims and 57% by repeat perpetrators. 33% of all cases were recorded as having a repeat victim and a repeat perpetrator. 18% of the whole ASB case data involved the same people in repeat incidents. Repeat victimisation and repeat offending in housing ASB is clear and a major driver of volume ASB.

Council recorded ASB

Agencies normally refer cases into the Council when they are medium or high risk and complex for partnership case management. The map below shows the location of these cases with West End (22%) and St James’s (15%) wards accounting for the majority.



The chart above right shows the category of cases referred. The top three categories were classified as drug/substance misuse (16%), cuckooing (15%) and harassment/threats/abusive behaviour (14%) prior to investigation.

42% of ASB referrals received involved Social Landlords. All referrals can be divided into two broad types, linked to either housing or street based. Housing related ASB mainly relates to noise, neighbour disputes etc and street-based links to disorder mainly drug and alcohol related and the street population.

Analysis of the closed cases from the previous year (Sept 2020-Dec 2021) showed a number of interactions with other services. 40% of cases had links to adult social care, 22% had a link to a children’s services team and 26% mental health. Despite the high level of cases linked to substance misuse only 4% were known to substance misuse services.

Data reflecting partnership problem solving focus at ward level shows the most common issues as youth related ASB (13%), misuse of communal areas and public space (11%) and aggressive begging (10%).

In the ‘commercial areas’ of the West End issues emerge, relating to ‘pedicabs’, aggressive begging, drugs and substance misuse, prostitution and kerb crawling, and rough sleeping associated ASB such as ‘Tent cities’. ‘Residential’ areas have more cases relating to noise and misuse of public and communal spaces, but also drug related ASB.



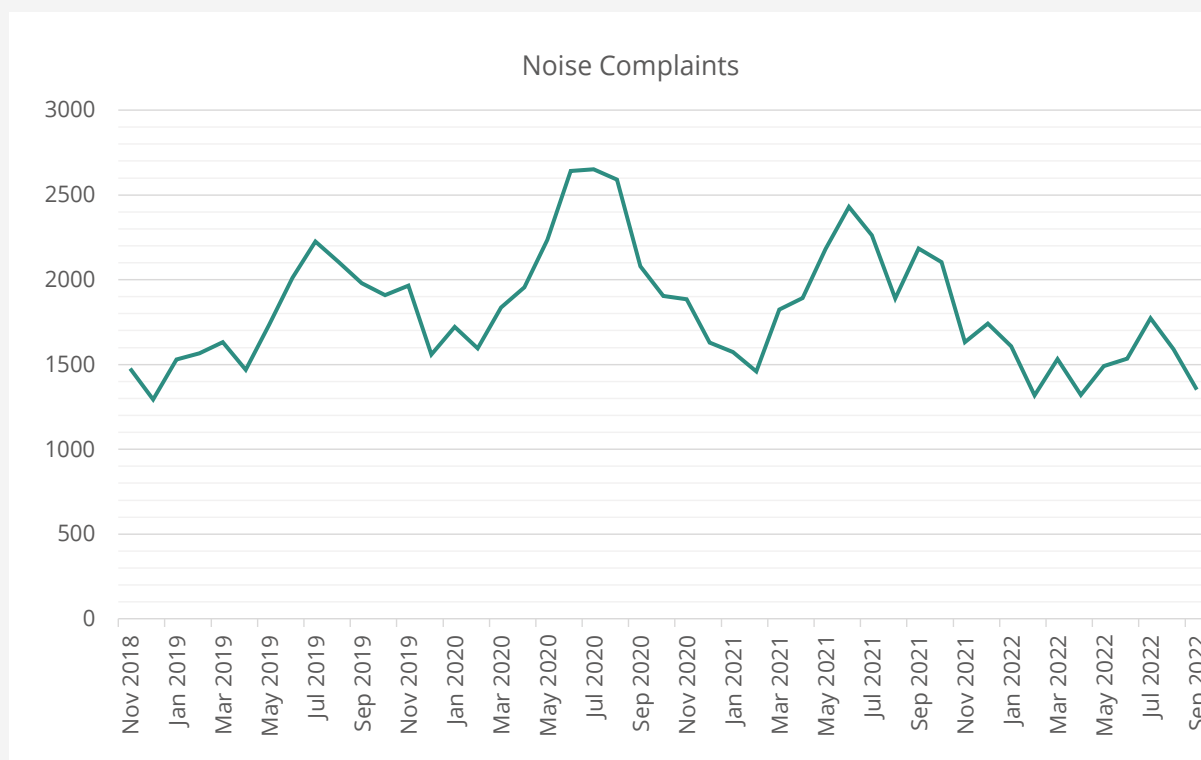


Noise

Westminster City Council operates a 24/7 noise service receiving complaints for further investigation. These complaints relate to a wide variety of noise related issues ranging from building sites and construction noise, deliveries and collections from commercial premises, traffic noise, domestic machinery to noisy neighbours and residential disputes. Noise complaints do contain complaints relating to reasonable noise therefore not all noise complaints can be considered as ASB.

Over the review period approximately 18,000 noise complaints were made. 45% were about residential noise, 19% noise in the street and 17% from commercial premises. Noise complaints have been steadily falling since covid, particularly for residential noise complaints.

50% of all residential noise complaints are repeat addresses (3 or more complaints). There were 88 residential addresses with ten or more noise complaints, which represents 20% of all residential noise and five addresses receiving over 50 complaints each.



Community Trigger

One of the approaches designed to deal with ongoing persistent ASB is the Community Trigger process. If someone has reported an incident three or more times within a six-month period, this could activate a Community Trigger via the Local Authority. This is a multi-agency case review, designed to ensure persistent ASB is resolved for the victim.

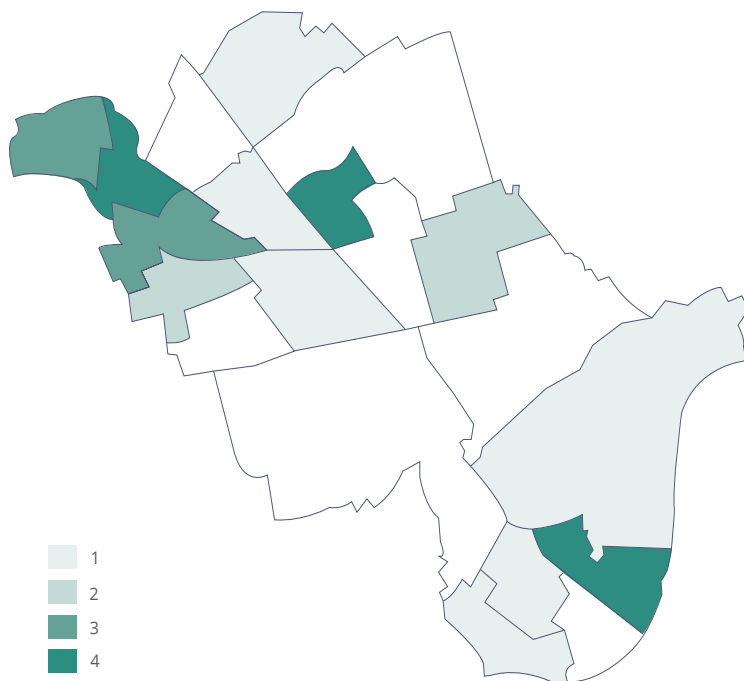
Over the period of October 2021 to September 2022 there were 39 Community Trigger applications, of which 28 were taken to review. Nearly half of the Community Triggers reviewed refer to incidents stretching over two years, with complaints regarding ongoing noise issues being the most common, followed by hate incidents and harassment/abuse/threatening behaviour. Cases often involve ongoing neighbour disputes encompassing both noise and harassment or involving ASB related to drug use and dealing.

Mental health was identified as an issue in 21% of cases reviewed for either the complainant or alleged perpetrator.

Community Triggers October 2021 - September 2022

The majority of the Community Trigger complaints involve social housing tenants (68%) which therefore affects the level of housing related ASB issues and the locations of Community Triggers.

Vincent Square, Church Street and Harrow Road have all seen the highest number of referrals, this mirrors the profile of Westminster's housing stock.



4. Our Approach

4.1 Coordinated Community Response

Westminster takes a Coordinated Community Response (CCR) to tackling ASB, which asks everyone to play their part.

It requires us not only to respond appropriately within our own agencies, but also to work together with other organisations. During a victim of ASB's journey, the chances are high that they will encounter multiple different agencies. Each one holds a piece of the puzzle and by responding appropriately and working together we can ensure the victim does not fall through the gaps.



Figure 1 – example showing some of the different agencies which can work together to provide support

4.2 The Ecological Model

For the CCR to be successful, everyone needs to work together at an individual, community, professional and societal level. This is called the ecological model and the diagram below shows how these levels are connected and dependent on each other.

The societal level includes the wider regional, national, and international response; both to ASB itself and the laws, legislation and policies which play a part in addressing ASB. Whilst this strategy is designed for Westminster, we are aware of the influence society has on us and the influence we may be able to have on it.

For the Our Objectives section below, we've included an ecological model for each objective to show the actions individuals, communities, professionals, and society can take to help reach the shared goal.





Short on time? Find out which parts are most relevant for you below!



Individual?

- Resident
- Visitor
- General Public



Community?

- Faith groups
- Community and voluntary organisations
- Education



Professional?

- Business
- Law enforcement
- Healthcare
- Local authority
- Charities



Society?

- Local, national and international law and policy makers

Individual?	Community?	Professional?	Society?
- Resident - Visitor - General Public	- Faith groups - Community and voluntary organisations - Education	- Business - Law enforcement - Healthcare - Local authority - Charities	- Local, national and international law and policy makers
What is anti-social behaviour? 07	What is anti-social behaviour? 07	What is anti-social behaviour? 07	What is anti-social behaviour? 07
Our Approach 19	Our Approach 19	Our Approach 19	Our Approach 19
Prevention 23	Prevention 23	Prevention 23	Prevention 23
Early Intervention 27	Early Intervention 27	Early Intervention 27	Early Intervention 27
Victim Support 32	Victim Support 32	Victim Support 32	Victim Support 32
Perpetrators Brought to Justice 37	Perpetrators Brought to Justice 37	Perpetrators Brought to Justice 37	Perpetrators Brought to Justice 37
Engaging the Community 41	Engaging the Community 41	How to Report ASB 46	Engaging the Community 41
How to Report ASB 46		Glossary 54	
		Related Strategies 56	

5. Our Objectives

Our objectives have been designed with victims, residents, and businesses through series of workshops and reflect desires of our key stakeholders to tackle anti-social behaviour, in all its forms in Westminster. This will ensure that residents, businesses, and visitors can live, work and visit feeling safe and free from the negative impacts of anti-social behaviour.





5.1 Objective 1: Prevention

Anti-social behaviour can affect anyone. ASB can have a devastating impact upon individuals and communities. Visible, engaged, and effective services working with empowered people and cohesive communities that promote healthy behaviours reduce opportunities for anti-social behaviour to occur.

Prevention is not solely for any one group to achieve; it is everyone's responsibility. By investing in the fabric of the community; through exercising inclusivity, inspiring communities, supporting families, and providing greater youth provision and diversionary activities through to increasing the visibility of our officers, we must all work together. Our Community Response is designed to do just that.

When discussing how we can prevent anti-social behaviour, residents felt that intergenerational integration within communities and positive role models fostered greater understanding and respect of different lifestyles. They stressed the need for agencies to take a whole-systems approach, whereby poverty, lack of activities and opportunities linked to disadvantage are tackled. Our victims of ASB also recommended increasing awareness of what anti-social behaviour is.

They also recommended that there is a need to understand what services are available to them and that agencies

should promote these widely as a deterrent. They also told us that it is important that communities and perpetrators need to understand the consequences of such behaviour.

High Street shops, retailers and businesses, especially smaller shops are often victims of ASB. When a business experiences ASB, the impact can almost always be felt by the surrounding community with increased prices, raised premiums on their insurance and underinvestment from business in the locality.

Importantly, healthy communities require safe environments to flourish in. Effectively designed, considered, and managed environments will help prevent our open spaces and estates from becoming attractive places to commit anti-social behaviour.

By prioritising Prevention as a key objective, we are asking everyone to actively invest in their community to combat ASB. We need to focus on reinforcing positive behaviour and ensure that people are aware of the impact and potential enforcement consequences of being involved in anti-social behaviour. We need to work to strengthen our communities and improve the environment, creating safe places whilst also making people feel supported and empowered to deal with ASB affecting their area.

What does Prevention look like?	What difference will it make?
<p>Know the signs: Everyone knows what ASB is and what is not acceptable within their community, knowing how to respectfully challenge, where to report and what actions could be taken</p>	<p>Unacceptable behaviour will be stopped before it can escalate. Perpetrators will find it harder to offend and will be held to account. Communities will have the strength and knowledge to support our joint efforts to reduce ASB.</p>
<p>Community Cohesion: Everyone is treated equally with dignity and respect. Different lifestyles are respected, tolerated, and celebrated. Information and advice will be easily accessible, culturally tailored and Communities are invested in, and role models are championed so people feel supported throughout their lives.</p>	<p>Communities will be empowered, supporting each other and those more vulnerable than themselves. Role models will reinforce to communities what is and what is not acceptable behaviours</p>
<p>Healthy environment: Agencies will seek to do everything possible to create safe environments without compromising public amenities. Agencies collaborate to address and reduce concentrations of problematic Licensed premises; Licence holders are aware of their legal responsibilities to prevent crime and disorder within and around their venues.</p>	<p>It will be harder for perpetrators to find vulnerable areas within our neighbourhoods to commit ASB without being identified. Neighbourhoods will be safe, healthier, attractive, and enjoyable places where our communities can live, work, and relax in harmony with each other.</p>

What our communities tell us:





"Dialogue between older generations and younger people. Integration, people who are in the local neighbourhood, they could reach out to residents to have dialogue, not blaming the youngsters all the time."

"People don't realise the effect they are causing on other people. Not all of this is mental health - some people just enjoy being a nuisance"

"People being selfish and inconsiderate towards others is a real problem, plus they may be quite ignorant of what constitutes anti-social behaviour and its effects on others"

"Awareness should begin in the family where they need to understand the needs and sensitivities to others."

How can we all play our part in the CCR?

 <p>Individual</p> <p>Individuals change the dialogue of their neighbourhoods, promoting respect and dignity within their actions. Acceptable behaviour is reinforced.</p>	<ul style="list-style-type: none">• Understand what anti-social behaviour is and where to get help• Being mindful of the impact of behaviour on others• Become a role model, personify the positive behaviours expected in your neighbourhood and openly demonstrate and promote these.
 <p>Community</p> <p>Communities are interconnected, understanding, and celebrating differences. Neighbourhoods are safe and healthy places to live within</p>	<p>In addition to the Individual recommendations:</p> <ul style="list-style-type: none">• Promote neighbourhood groups and events, making them inclusive to everyone• Take time to support vulnerable neighbours and friends, advocating on their behalf if required
 <p>Professional</p> <p>Organisations invest in neighbourhoods. The built environment is considered and well designed.</p>	<ul style="list-style-type: none">• Promote and implement community initiatives and diversionary activities within your organisation. Recognise the importance of mentorship and role models to ensure our future generations flourish with a positive outlook, wider life skills and opportunities.• Licensed premises conditions are managed effectively to reduce the likelihood of ASB by ensuring that licence holders are aware of their legal responsibilities to prevent crime and disorder.• Agencies will work with families through schools, educational establishments, and social services to highlight the damage that ASB can cause.• Businesses, alongside the council have a role to play in tackling ASB. By taking swift action towards those who are exhibiting ASB, providing evidence and statements to support agencies in taking enforcement action and not selling alcohol or weapons to underage people, ASB can be both prevented and stopped in its tracks.
 <p>Society</p> <p>People are considered equal; needs are met, and vulnerabilities supported. The environment is considered and well managed.</p>	<ul style="list-style-type: none">• Address long term socio-economic inequalities, ensuring a fairer distribution of opportunity.• Invest in social care resources, recognising the role of mental health & well-being, enabling individuals' stability and growth• Consideration for ASB prevention is mandatory during the Planning phase of any new builds and public space developments

Case Study: Autumn Nights

Over 150 teams within Westminster including the Council, Police, Landlords, NHS, Schools, Justice services and charities regularly share intelligence and resources to help support our residents and communities in tackling anti-social behaviour.

One of the biggest joint agency action plans across the year focusses on Autumn Nights, where firework related disorder and arson can have devastating consequences. The current approach was borne from such an event, which saw between 50-100 youths congregating in a cul de sac, firing rockets at police officers, police cars, members of the public and traffic on the public highway. A total of three police officers were injured, two police cars and two civilian cars put out of service and 25 arson attacks on Westminster Housing bin chambers.

Across the following year, residential engagement groups were held within the ward; support services provided action plans for 33 identified youths, combining behavioural parameters alongside family interventions; Parenting and young person workshops were delivered in the locality; diversionary activities and youth provision were increased; schools included firework safety within their

curriculums and commercial suppliers of fireworks and knives within the City were reviewed and subjected to strict monitoring and enforcement measures where appropriate.

This joint activity resulted in:

- a quiet Autumn Nights period in the locality without any notable incidents to address
- a city-wide decrease of 56% of firework related calls to the Police across the same period as the previous year
- a city-wide decrease of 9% of calls to Police relating to rowdy or inconsiderate behaviour or noise
- a decrease of 34% of reports of criminal damage in the locality



5.2 Objective 2: Early Intervention

We understand the importance of addressing anti-social behaviour as early as possible. On many occasions successful resolutions occur before behaviours escalates, without the need for further involvement of other agencies. It is vital that people feel empowered and supported to address their differences amicably and respectfully in the first instance. If the behaviour does continue, our communities must feel confident that when reporting it, swift action will be taken to resolve the issues.

When discussing early intervention, victims expressed concern at the perceived lack of urgency, joined up working and bureaucracy they experienced once they had reported anti-social behaviour. They wanted a better response to their reports of ASB. Often, victims shared instances where they felt that the quick, firm action taken by authorities had delivered a positive outcome and reduced the issues that they had been suffering.

Agencies must be competent in their approach and their multi-agency working. How agencies intervene, ensuring swift and effective working across boundaries to identify, assess and tackle ASB, is key in responding to the difficulties that communities and individuals face.

Referral pathways must be developed in a way that makes the experience as seamless as possible for victims and other users. It is vital that the right services are engaged in these pathways. Issues such as mental health have a significant effect on likelihood and impact of ASB, these services must be built into the prevention of ASB.

It is essential that all agency data and intelligence about ASB is effectively managed, assessed and shared so that we can recognise patterns of behaviour and repeat perpetrators. Our early interventions need to be delivered in partnership to address the root causes of the behaviour. Ultimately, agencies and communities need to hold perpetrators to account with robust enforcement when all efforts to problem solve issues are exhausted.

<p>What does Early Intervention look like?</p>	<p>What difference will it make?</p>
<p>Organisational Competence: All agencies work collaboratively, ensuring a model of joint case management, shared intelligence, and best practice to resolve the issue in a timely manner before the behaviour escalates.</p>	<p>Victims will know what to report and to who, reducing the trauma they experience through re-living events that have impacted them.</p> <p>All victims are guaranteed the same level of response and support regardless of tenure or type of anti-social behaviour experienced.</p> <p>The root causes of ASB will be addressed, reducing opportunities for repeat incidents to occur.</p>
<p>Mediation: People that have tried to resolve their own conflicts without success are helped to avoid formal proceedings. Mediation gives the power to individuals to take control and resolve a situation with the support of a neutral thirdparty mediator.</p>	<p>Mediation is a proven, cost-effective method to resolve disputes quickly and amicably. It's particularly powerful in resolving situations early, negating the need for any formal proceedings such as civil litigation.</p> <p>Mediation can save much time, money and grief whilst significantly improving the lives of those involved. The goal is always to guide both parties to a mutually beneficial resolution rather than recommend specific courses of action. It empowers people to resolve situations themselves and come to an agreement.</p>
<p>Lack of Opportunity to succeed. Individuals and families are supported from a whole-family approach, whereby lack of opportunity linked to disadvantage, are tackled to prevent escalating ASB and other issues.</p>	<p>Agencies will view ASB as the result of something rather than an isolated set of behaviours.</p> <p>Families and communities are able to access the services they need and are aware of what opportunities are available.</p> <p>Children are invested in from an early age, providing youths the opportunity to do things they are passionate about to stop the cycle of unacceptable behaviour escalating and risk of exposure from Gangs or other negative influences.</p>



<p>Victims feel safe and supported in challenging anti-social behaviours: Reporting routes to agencies are clear and accessible, supported with readily available guidance on how to address lower-level antisocial behaviour before it escalates e.g., through the use of respectful communication and mediation.</p> <p>Agencies adhere to legislative guidance and victim’s wishes for anonymity if requested. Opportunities are also provided to allow advocates to represent victims where required.</p>	<p>Agencies will provide the safest possible environment for managing anti-social behaviour, where victims are supported. Victims will feel heard, respected, and protected.</p> <p>Everyone involved feels confident in tackling and challenging the behaviours impacting upon them.</p> <p>Victims will feel safe and have the confidence that their issues are being treated seriously and effectively by statutory agencies.</p>
<p>Disruption: All partners work collaboratively, across agencies and where necessary, neighbouring boroughs, prioritising the swift disruption of anti-social and criminal behaviours, using all available tools and powers in the collective to protect our communities.</p>	<p>Agencies will deliver timely disruption activities to stop unacceptable behaviour escalating into criminal behaviour.</p> <p>Perpetrators will no longer be able to commit ASB unchallenged</p> <p>Communities will feel protected, and flourish in safe neighbourhoods where families can grow without the fear of crime</p>


What our communities have told us:

“On both occasions I called the police who responded immediately. Next day I contacted the ASB team at the councils, again quick firm action was taken against an offender. Both were quick to respond and were supportive given I was living on my own and their concerns were noticeable. The quick action by both, I feel negated any further abuse towards me.”

“ASB needs to be acted on immediately, so the person knows it’s been noticed and that it is followed up with warnings. The council needs to get serious about this. . You’ve got to keep talking to them.”



How can we all play our part in the CCR?

 <p>Individual</p> <p>Individuals can exercise their rights and seek support to challenge anti-social behaviour before it escalates</p>	<ul style="list-style-type: none"> • Learn about your rights as a victim Familiarise yourself with the tools available to tackle anti-social behaviour • Read Appendix 1: How to report anti-social behaviour on page 46. Call 999 in an emergency or 101 if it is not.
 <p>Community</p> <p>Anti-social behaviour is everyone's business and all members of the community know what behaviour is unacceptable and can report effectively to the appropriate agencies for intervention</p>	<p>In addition to the Individual recommendations:</p> <ul style="list-style-type: none"> • Be mindful of the root causes of ASB and report welfare concerns if things do not appear right.
 <p>Professional</p> <p>Agencies are aware of the benefits of early intervention, working together to improve data collation and analysis to identify root causes and deliver swift interventions</p> <p>Officers ensure ASB case strategies are devised in partnership, drawing on the collective tools and powers available to disrupt the unacceptable behaviour</p>	<ul style="list-style-type: none"> • Arrange ASB and information sharing training • Review current practices and thresholds for support service access, ensuring people do not fall through the gaps • Understand the duties a Community Trigger places on agencies and how
 <p>Society</p> <p>Consistent and long-term support and advice is available for all individuals. The root causes of ASB are understood and addressed.</p>	<ul style="list-style-type: none"> • Remove stigma, fear, and barriers to accessing support services, ensuring everyone has access to help when they need it • Promote a shift in acceptance towards people with diverse backgrounds and identities, including ethnicity, gender, disability, religion and sexuality

Case Study: Covid Lockdown Youth Disorder

The Pandemic proved a challenging time for our communities, with residents forced to remain in their homes, schools closed, and our young people grew restless being isolated from their friends. Westminster City Council, our Housing colleagues, and Police worked tirelessly to reduce the negative impact of anti-social behaviour within the lockdown period.

A large group of young people started congregating on a private Estate, breaking doors to access communal areas for drug taking, damaging private property, and intimidating residents. Initial intelligence received from residents enabled Police and security teams to proactively target the area, identifying the individuals through a range of tools including ASB warnings, stop & searches and CCTV images that were shared with Police, Integrated Gangs & Exploitation officers, Schools officers and Housing staff. Security within the estate was improved with focus on weak access points, lighting, and signage.

The enhanced security measures and disruption patrols saw the group displaced to a further two Westminster Housing Estates and a Network Homes Estate across 3 neighbouring wards; the youths moving on as soon as an Estate became too 'hot' for them. Again, intelligence received from our residents

through reports, street briefings and ASB questionnaires played a vital part in supporting the multi-agency response.

Disruption patrols and security improvements continued within the affected Estates, alongside weapon sweeps, warning letters and Community Protection Notice warnings to those identified. The evidential base justified the implementation of 2 civil injunctions against persons unknown, with the power of arrest attached, to protect the two Westminster Housing Estates.

Alongside the disruption work, partners created action plans for each of the individuals identified, seeing early interventions for those just coming to notice, including joint agency meetings with the youths and their families, Acceptable Behaviour Contracts agreed to improve behaviours and enhanced support to divert them away from gang influences. Stronger sanctions were applied to known individuals with named civil injunctions for 8 of the group banning them from the Network Homes / Westminster Housing Estate, and referral orders for restorative justice contracts to be agreed at a Youth offending Panel.



5.3 Objective 3: Victim Support

Victims of ASB can have a range of needs. Some will be because of the impact of the actual ASB but they may also have other needs as well. Mental health, substance misuse, housing, poverty, and other needs can seriously heighten the impact of ASB on victims. Support and therapy are often found to be vital in reducing the long-term impacts on victims especially during their recovery from incidents of ASB. Our approach needs to be wide-ranging and led both by a person's immediate and long-term needs.

Some victims told us that they also needed more individual support whilst their cases were being investigated and dealt with. They said that they needed to be listened to and wanted to receive regular updates on their case. They wanted to understand what actions could and would be taken by agencies. They also wanted to have the opportunity to give opinions and feedback on case handling. They said that this would make them feel that their concerns were being taken seriously, listened to, and engaged in their own case. They said that this would give them confidence in the agencies involved and that those that were responsible for the ASB would be held to account for it.

It is essential that victims are provided with access to better advocacy within case management and be given the opportunity to choose restorative justice measures to tackle ASB if they wish. Offers of trauma-informed help and support to support the investigation and ultimately recover from their experience will assist victims in finding emotional and physical well-being and reduce the possibility of repeat victimisation.

It is important that professionals act without judgement or prejudice, are mindful of the effects of secondary trauma and seek to support and validate survivors of ASB from their first contact. Professionals must work with our victims in order to give them the outcomes that they deserve.



What does Victim Support look like?	What difference will it make?
<p>Organisations follow duties and best practice: Agencies are aware of their duties in relation to ASB and respond swiftly and appropriately, often going beyond the minimum requirement to give victims the maximum support. Best practice examples are shared and adopted.</p>	<p>Victims will receive the support they deserve before the anti-social behaviour harms their emotional, mental, and physical wellbeing.</p> <p>Advocates will be able to help victims navigate and access services they may need to improve their general wellbeing and represent their best interests.</p> <p>Victims will be engaged in their case and will understand how they can support agencies in delivering the required results. They will feel that they are part of the solution.</p> <p>Victims will have the confidence that their concerns are being taken seriously and that they have the best response from agencies that is available.</p>
<p>Community Triggers: Everyone will be aware of their legal rights as a victim and their right to activate a Community Trigger case review if the local threshold is met. <i>(3 reports of ASB within 6 months to Police, Housing or Council)</i></p>	<p>Victims will be able to have their cases reviewed swiftly and efficiently so that they no longer have to endure on-going ASB and the impacts upon them.</p>
<p>Continuous improvements: Agencies will continuously improve their practices, actively seeking feedback from victims on what worked well and whether they felt anything could have been improved upon. Best practice will be shared amongst agencies</p>	<p>Services will be delivered to meet the needs of the victim.</p> <p>Agencies will learn from and develop their own practice to ensure that they are meeting the needs of their victims.</p> <p>Diverse needs will be identified and responded to effectively.</p> <p>Westminster will deliver the best ASB service to its ASB victims</p>



What some of our victims told us:

"I did not feel believed, I felt marginalised actually. The response felt institutionalised with no empathy in that I think Leaseholders are characterised as complainers. It was only after some months passed that I was contacted by an experienced ASB officer who listened to me. Then I felt like a proper response was being taken."

"Having the ASB team updating me was so helpful.."

"My experience of dealing with different agencies was difficult. When I reported ASB that was shared between agencies it was obvious that the information provided was not consistent.."

How can we all play our part in the CCR?

Individual:

Victims will have access to agencies that will provide a professional and empathic service in dealing with ASB.

Victims will need to support the agencies in providing information and support to the case.

Victims can seek and access support in order to address the impact upon their emotional, mental, and physical well-being.

If you notice unacceptable behaviour, report it to the relevant agencies (use the guide in this strategy on p.46 Reporting anti-social behaviour

- In an emergency, call 999
- Show empathy towards individuals you believe are ASB victims, offer support and signpost them to the Community Trigger: <https://www.westminster.gov.uk/leisure-libraries-and-community/crime-and-community-safety/community-trigger> or other services outlined in the resource guide in this strategy (page 50)

Community:

Communities will have confidence that agencies are providing an effective and professional victim-focussed service and will be able to support victims of ASB in their neighbourhoods.

Communities will have the knowledge to be able to encourage victims to report ASB to agencies.

Agencies will promote our victim services to communities (see the Resource guide within this strategy on p.50)

- Communities will be able to use self-referral pathways into services to report ASB, considering specialist organisations which can provide support
- Communities will be able to collectively support the victims within their neighbourhoods that are suffering ASB

Professional:

Agencies work together to ensure victims can access holistic wrap-around support that is trauma informed



- Agencies will approach every case by putting the victim at the centre of their case management. Victims matter and are our priority.
- Services will provide a professional, effective, and empathic services to victims.
- Agencies will involve and work with our victims closely to ensure successful outcomes.
- Agencies will understand and carry out their duties in response to ASB and the Community Trigger, advising victims of their rights. They will signpost victims to resources that are available to them, e.g. Online resources such as the WCC Community Trigger Film:
<https://www.westminster.gov.uk/leisure-libraries-and-community/crime-and-community-safety/community-trigger>

- Services will address victim's immediate needs and allow time to discuss long-term support
- We will develop processes and work together with other agencies to achieve outcomes that deliver for our victims.
- Agencies will ensure that our communication with victims about their cases is regular, informative, and collaborative.
- Agencies will ensure that services provided are fair, equitable and consider diverse and inclusivity needs.
- Agencies will always seek feedback from victims to ensure that services are improved and evolved in order to meet need.

Society:

Being a victim of ASB is not acceptable to our society. No-one should have to suffer from ASB, and everyone has a right to live in, work in or visit Westminster in peace and harmony. It will not be tolerated.



Consistent and sustained support both short and long term is available for all victims.

- ASB amongst communities needs to be condemned and 'called-out' in order to support victims and reduce the incidents of victimisation.
- Ensure language, ethnicity and status are not barriers to accessing long-term support.

Case Study: Targeted Harassment

Nb. Identities have been changed within this case study

Sarah has lived in Westminster her whole life and lives in a flat on her own on an estate. She has experienced three separate cases of Anti-social Behaviour whilst living in her flat. Sarah felt that as a woman living alone, she was being targeted by others living on her estate.

On one occasion, three people who were in a property nearby verbally abused Sarah, repeatedly asking her for her mobile phone and accused Sarah of calling the police, something she did not do. This left her feeling nervous about leaving her flat.

After this incident, Sarah called the Safer Neighbourhood team police and the Anti-social Behaviour Team in Westminster housing who assisted her with her situation. They advised what they could do to help her and provided advice on who to contact and how to keep safe. The case manager also suggested arranging for the local safer neighbourhood team to visit her. The ASB Case manager was proactive in quickly linking in with the police; expressing the

seriousness of the situation and on the same day, two officers carefully visited Sarah at her flat after her agreement for this to happen with the case manager. Sarah was happy for her case manager to manage this further with the perpetrator and so alongside housing officers, he informed the perpetrator of the reports they had received and that if there was evidence to show that they or any visitors/ members of their household were causing nuisance, harassment, alarm, or distress to another resident, they could face tenancy enforcement action which could in the most serious circumstances be eviction. The behaviours stopped after this strong action was taken. The council dealt with it quickly and Sarah has felt more secure and reassured that partners work to keep people feeling safe in their homes.



5.4 Objective 4: Bringing Perpetrators to Justice

The impact of anti-social behaviour left unchecked can damage and even destroy lives. Our communities in Westminster want to see perpetrators brought to justice for the harm that they have caused to prevent both their behaviours from escalating and to also discourage others from doing the same.

The police are not the only service responsible for this objective - everyone has a role to play. Communities, victims, and witnesses need to speedily report ASB to services and support ongoing cases, especially when enforcement is identified as the potential solution to their problems. Wider services, such as mental health teams, housing management teams, ASB caseworkers, need to work together with victims and perpetrators to address ASB. Agencies need to deliver enforcement outcomes that not only hold those responsible for ASB to account, but also meet the needs of victims and communities and to eradicate the ASB totally. We must work together in this very important area.

Holding those responsible for their actions can have a positive impact upon perpetrators themselves by becoming real 'teachable moments' in their lives and providing them with an opportunity to turn their lives around.

Victims of ASB have told us that robust enforcement and stronger consequences are required to deter perpetrators committing ASB and provide them

with satisfaction that someone has been held to account for the suffering that they have experienced. However, prosecution is only one form of justice. The opportunity for survivors to choose restorative approaches to tackling ASB is also important as it means their experiences are believed and they are being given a chance to decide how the perpetrator is made accountable for their actions. Agencies have a wide range of enforcement routes that they can take, and each case must be assessed on its own merits to determine the most successful and impactful route to dealing with the ASB and perpetrator.

It is imperative that we swiftly bring perpetrators to justice, so victims do not have to suffer any longer than is absolutely necessary. Delays in delivering outcomes for victims can further traumatise them and the sooner we can engage and deter those responsible for it the better for them, and for communities as a whole.

In the case of a neighbour dispute, on occasion victims of ASB can become perpetrators if certain actions are taken in retaliation to a behaviour. We do not encourage retaliation, as this could mean action being taken against the individual. That is why if you feel you cannot resolve the situation amicably using resources such as 'dear neighbour cards,' you are able to take the appropriate actions as listed in Section 7.

It is also important that the root causes as to why a perpetrator engages in ASB are addressed. We know that lack of opportunity, boredom, peer pressure and a lack of insight into the impacts upon others can be key factors in why some people engage in behaviour that damages people and communities. Whilst holding people to account for their behaviour is vital, we also need

to ensure that where appropriate we provide support to perpetrators to allow them to change their behaviour and become a positive member of society, rather than damaging it. Agencies must address any underlying issues that contribute to the offending in the first place, otherwise behaviours will continue and ASB will perpetuate.

What does Bringing Perpetrators to Justice look like?	What difference will it make?
<p>ASB Perpetrators identified and investigated in a swift and timely manner: All agencies are involved in sharing information to build the intelligence picture and reports are thoroughly investigated to ensure perpetrators are held to account.</p>	<p>Victims feel listened to and believed. Victims' confidence in and satisfaction with agencies will improve Perpetrators will no longer be able to commit ASB unchallenged</p>
<p>Victims supported to give evidence: Victims are supported throughout the criminal justice process and beyond, with their mental health at the forefront of considerations.</p>	<p>Victims will be more likely to testify, leading to more convictions of anti-social behaviour perpetrators. Perpetrators will know that they will be held to account.</p>
<p>Community Resolution / Restorative Justice: To ensure Justice is delivered as part of the resolution process, Victims are provided the opportunity to consider restorative justice approaches and decide how they want their issues to be addressed</p>	<p>Victims feel confident and in control of their case, trusting agencies to act in their best interests Adults and children who exhibit ASB have the opportunity to take responsibility for their behaviour and repair the harm caused by it.</p>
<p>Appropriate intervention is taken: Victims are placed at the heart of any action and agencies collaborate to deliver robust interventions, which may include criminal justice options incorporating behavioural restrictions and rehabilitative requirements, based on the seriousness, risks and vulnerabilities in the case.</p>	<p>Victim/ survivors will feel safe and vindicated ASB perpetrators will be unable to commit further anti-social behaviour</p>

What our communities have told us:

"No intervention of ASB at any stage only allows the problem to grow and is enabling the perpetrators. A better understanding is needed from agencies about how this is not 'low level crime' and how it does destroy lives. It does not go away - it only escalates to further criminalities with no intervention, and victims' lives suffering or are even ending. There are many serious case reviews that support this."

"Take swift action against prolific offenders and publicise what action has been taken."

"A change of people's attitude is needed.. Quick, swift action to enforce any laws broken needs to be taken.. People need to seriously be made aware that their behaviour will not be tolerated. Victims do not want potential outcomes dragged out over a long period of time."

How can we all play our part in the CCR?

 <p>Individual ASB is seen to damage and destroy lives, victims are treated as such and supported through any intervention</p>	<ul style="list-style-type: none"> • Call 999 in an emergency or 101 if it is not an emergency (other routes contact details can be found in Appendix 4.) • If you witness ASB and can safely challenge it, do so; report it to the relevant authorities to intervene • Show empathy towards individuals you believe are ASB victims, offer support and signpost them to the services that are available to them including the Community Trigger which can be found here: https://www.westminster.gov.uk/leisure-libraries-and-community/crime-and-community-safety/community-trigger Services are outlined in the resource guide in this strategy on p.50
 <p>Community ASB is consistently reported by communities</p>	<ul style="list-style-type: none"> • Share information with agencies (anonymously if preferred, using the reporting routes outlined in the Reporting ASB guide on p.46) to ensure agencies can work from the most comprehensive intelligence picture • Do not tolerate ASB within your neighbourhood, by safely challenging and reporting all incidents of ASB you witness, even if the perpetrator is known to you
 <p>Professional Agencies work in partnership, utilising all available powers to bring perpetrators to justice</p>	<ul style="list-style-type: none"> • Agencies will utilise all applicable disclosure channels to access a comprehensive intelligence picture, identifying appropriate agencies to address root causes of the perpetrator's behaviour • Develop case strategies utilising all available powers, incorporating rehabilitative and behavioural control measures within court orders • Ensure victims have continued support throughout the duration of the case
 <p>Society ASB is not tolerated, and perpetrators are held to account</p>	<ul style="list-style-type: none"> • Victims are given the opportunity to decide on restorative justice disposals • Courts consider robust sanctions against those responsible for committing and/or enabling ASB

Case Study: Criminal Behaviour Order & Community Orders

Westminster City Council received multiple reports from Westminster businesses and residents regarding a 60-year-old male's abusive behaviour towards people on the street.

A multi-agency ASB case conference was held for a holistic review of the case and devise an action plan to address the ASB and its root causes. It was found that in addition to the abusive behaviour the male had a history of theft and had recently caused injury to a shop keeper when challenged. Support Services present at the case conference acknowledged that he had suffered complex trauma, significant health issues and used Class A drugs; it was also determined that he had previously suffered a serious brain injury and consistently refused to engage with specialist support services.

Partners decided a Criminal Behaviour Order with an exclusion zone, would be an appropriate preventative tool. When discussing this enforcement approach, partners held his complex needs in mind to ensure the appropriate action could be taken. Relevant assessments of his welfare, brain injury and communication needs were completed, alongside a review of a suitable neuro-rehab

programme for future consideration. The case leads followed recommendations in the clinical report from the speech and language therapist on how best to communicate with him to ensure he understood the ramifications of his behaviour, what the Police were saying to him, and any documentation served.

The Court received a pre-sentencing report detailing the findings of the clinical report and other assessments. Recognising his complex needs, the Court granted the 4-year Criminal Behaviour Order and sanctioned a community order designed to ensure he accessed the Drug and Rehabilitation support services he requires to make a positive change.



5.5 Objective 5: Engaging the Community

The way in which we engage our communities is fundamental to the approach we take in resolving ASB. Communicating the successes, activities and actions of the Council and agencies, as well as involving our residents as partners in addressing local problems brings positive outcomes, especially in terms of community confidence in the Council and other agencies to act.

Residents often understand the local issues that affect their neighbourhoods and are best placed partners to help develop and deliver community focussed solutions.

When discussing community engagement, residents highlighted how their knowledge of what action was being taken to address the ASB in their neighbourhood contributed greatly to their feelings of safety both in their home and locality. It also increased their trust in authorities to ensure that they can safely report incidents that had impacted them without fear of reprisal.

It is vital that we guarantee a two-way flow of information and intelligence between the Council and our communities; to ensure that our residents trust the Council and agencies act in the best interests of their communities and neighbourhoods. They want to be able to contribute to locally devised strategies addressing the key concerns and see the positive differences that successful actions have achieved.

What does Engaging the Community look like?	What difference will it make?
<p>Promoting successes and advertising action: Agencies will utilise all forms and platforms of communication, guaranteeing the information is easily accessible and culturally appropriate, to ensure communities are aware of the issues and agency responses within their neighbourhoods, clear on how they can help contribute to resolving the ASB.</p> <p>Where appropriate, and where the law allows, the council will identify individuals that have had a court sanction containing behavioural control measures made against them as a result of their anti-social behaviour, to assist with monitoring breaches of said order.</p>	<p>Community confidence in the Council and agency ability to tackle ASB will improve, seeing the positive differences of successful actions</p> <p>Communities do not tolerate ASB in any form and report through incidents and intelligence to help agencies tackle the behaviour</p> <p>ASB perpetrators will know they will be held to account</p>
<p>Community Solutions: Communities are engaged in ASB focus areas to ensure that key concerns are identified, and solutions are co-designed, specific to the needs of the locality</p>	<p>Communities are empowered, able to ensure the needs and issues within their neighbourhoods are addressed and victims are supported.</p>
<p>Visible Presence: Officers have visible presence within our neighbourhoods, to deter ASB, intervene when necessary and ensure a fluid flow of information between our communities and agencies</p>	<p>Agency responses are fully informed ensuring swift multi-agency early interventions</p> <p>Communities feel safe and connected, confident in their ability to help protect their neighbourhoods from ASB</p> <p>Confidence in statutory agencies will improve.</p> <p>Communities will be better informed about the ASB issues that are affecting their area.</p>

What our communities tell us:

Business forums providing sector-specific support and advice and offering clarity on what work is being done by the Council to support businesses in relation to anti-social behaviour.

"I don't know where to report it, and what if any action the Council would take. I don't think is worth reporting as I don't think you would do anything about it."

"Stress reduction generally so social / community activities, social care support and engagement."

"Westminster council in particular do not care (in some areas) and complaining just seem to fall on 'deaf ears.'"

"Early notification to neighbours and block that an investigation was going on"

"More education whether at school, or advertisements on television, mobile units especially on estates, more noticeable police presence."

How can we all play our part in the CCR?

 <p>Individual</p> <p>Individuals understand the local issues within their neighbourhoods and are provided the opportunity to collaborate with agencies to resolve the ASB.</p>	<ul style="list-style-type: none">• If you witness ASB and can safely challenge it, do so; report it to the relevant authorities to intervene (use the "How to Report ASB" guide on p.46 in this strategy)• Familiarise yourself with the local engagement platforms, contributing information and ideas on how to resolve issues.• Engage with ASB questionnaires, attend local ASB forums and assist with requests for information, helping agencies evidence ASB and coordinate co-designed solutions
 <p>Community</p> <p>Communities are aware of the issues affecting their wider neighbourhoods and work together with agencies to address ASB.</p>	<ul style="list-style-type: none">• Share information with agencies (anonymously if preferred, using the reporting routes outlined in the Reporting ASB guide on p.46) to ensure agencies can work from the most comprehensive intelligence picture• Join or establish community, residential and business forums to represent the local neighbourhood in consultation and engagement by agencies
 <p>Professional</p> <p>Agencies engage local neighbourhoods in ASB focus areas to ensure that key concerns are identified, and solutions are co-designed, specific to the needs of the locality.</p> <p>Actions and successes are promoted; when appropriate and where the law allows, successful court sanctions are advertised.</p>	<ul style="list-style-type: none">• Utilise all methods of engagement inviting communities to co-design solutions when resolving issues, such as ASB questionnaires, door knocks and wider consultation with residential and amenity societies• Promote local action plans in ASB focus areas, clarifying reporting routes and how the community can assist• Advertise successful court sanctions where the law allows
 <p>Society</p> <p>ASB is not accepted in any form within our society. Everyone is informed, working together to design and implement local solutions before they escalate.</p>	<ul style="list-style-type: none">• Established community platforms provide everyone with the opportunity to understand local issues and contribute to solutions• Transparent and trusted information flows exist between agencies and local neighbourhoods; perpetrators understand they will be identified and held to account

Case Study: Community Thursday's

Community Thursdays is a Westminster Housing initiative designed to provide an opportunity for teams across the housing department, at all levels, to have a local and visible presence on our estates and talk to residents about issues that matter to them, including ASB.

This initiative was instigated following the recent housing departments restructure, where there are now more officers in our teams who manage smaller patches, therefore they are able to provide greater focus on issues that affect residents. Local councillors are invited to join us on Community Thursdays, so that we can collectively work together to address wider issues, as well as provide advice and assistance on issues specific to the resident's home. Each Thursday afternoon, staff across the department visit a different housing estate to knock on the doors of our residents' homes.

Community Thursdays has provided an opportunity for officers to engage with residents, in particular those who are vulnerable, and have a face-to-face discussion about ASB or other housing related queries. Residents can report new incidents of ASB or following up on current cases with new information which act as an integral part of gathering evidence for enforcement and provides them an opportunity to collaborate with agencies to resolve the ASB. Staff can log information reported to them which is triaged to the ASB teams to add to insights on cases and provide more effective outcomes, Westminster City Council recognises that people have personal preferences in the way they report issues to the Council. Community Thursday's provide vital face to face contact to all Westminster Housing tenants and leaseholders, which compliments the existing ASB reporting routes into Westminster Housing via the telephone or ASB reporting form.



6. Conclusion

ASB can and does destroy lives. We have the power to prevent victimisation, bring perpetrators to justice and ensure victims are identified and can access meaningful support. Only by working together can this be achieved.

Thank you for taking the time to read this strategy. This may be the conclusion, but it is the beginning of the next five years and reaching our objectives. We look forward to working with you to deliver an approach which is collaborative, coordinated, trauma-informed, Intersectional, gender-informed, and above all puts victims' voices and specialist services as its heart.

So, let's all play our part and work together to end anti-social behaviour.

7. Appendix 1:

How to report anti-social behaviour

We know that having to continuously report anti-social behaviour can be exhausting for people trying to survive the ordeal. Here we have listed the main reporting routes for anti-social behaviour, to ensure that the correct teams are aware of the issue from the beginning.

Please note that the Council is not an emergency response service. Incidents where there is an immediate risk of harm to person or property must be reported to the police or other appropriate emergency service at **999**.

Housing Association tenants:

If you are a Housing Association tenant, it is vital that you report any anti-social behaviour you have experienced in and around your property to your Housing Provider in the first instance. This enables the first steps of tenancy enforcement action to commence, if applicable.

Please refer to your Housing Provider's website for details of their ASB policy and ASB reporting instructions.

Westminster Housing tenants

If you are a **Westminster Housing tenant**, please visit our webpage:

<https://www.westminster.gov.uk/housing/tenants/report-anti-social-behaviour-or-tenancy-fraud-westminster-housing-residents>

Westminster Housing also has a **Residents' Portal** for their tenants – those registered can log their own ASB case and update it.

<https://www.westminster.gov.uk/news/housing-portal-makes-managing-your-home-breeze>



Reporting to Police:

The Police have enhanced the way ASB can be reported; there is an ASB on-line form, which can be accessed at the following link:

<https://www.met.police.uk/ro/report/asb/antisocial-behaviour/>

You can still continue to report via current channels such as **101** or to your local Neighbourhood Policing Team if you prefer, as there will be no change to the current ASB process. In the case of emergency dial **999**.

Reporting to Noise:

You can report any future incidents involving noise with Westminster City Council Noise reporting number or on-line reporting tool at the link below:

<https://www.westminster.gov.uk/report-it>

Calls to the Noise reporting number can be made 24/7 and will enable our officers to attend and witness the noise levels. They act on statutory noise nuisances. Please call: **0207 641 2000**

Reporting anonymously:

You can report anonymously to the police via their online anti-social behaviour reporting form:

<https://www.met.police.uk/ro/report/asb/asb/report-antisocial-behaviour/>

To report crime anonymously, you can also contact Crimestoppers on:

- **0800 555 111** - this number is free to call
- visit the Crimestoppers website: <https://crimestoppers-uk.org/>

Community Trigger:

If you've reported 3 incidents of anti-social behaviour in the last 6 months to the police, your Housing Association or Westminster City Council, and you feel that no action has been taken, you can request a formal case review by starting a community trigger. A film on what to expect if you apply for a Community Trigger and the application form can be found here:

<https://www.westminster.gov.uk/leisure-libraries-and-community/crime-and-community-safety/community-trigger>

8. Appendix 2:

Our Commitment

Victim first

We take a victim centred approach. We will support the individual/s being affected by anti-social behaviour in the way they wish to be supported and look to achieve a balanced outcome for both the victim and community, understanding that may not always be enforcement; Where possible, victims will be given the opportunity to choose restorative approaches to tackling ASB. We will build an environment where victims and witnesses feel confident and safe in coming forward to report anti-social behaviour. We will actively try to understand the victim's experience and improve our services accordingly.

Act in partnership

We will draw on the resources of the wider partnership and work collaboratively to share knowledge, resources, and expertise to prevent and address ASB. Where appropriate and in line with data protection legislation, we will share information with our partners, including the police and social landlords to help us work out how best to respond.

Address the causes of the anti-social behaviour

There are many factors that could influence someone's behaviour in a way that others might consider anti-social. Where issues such as drug or alcohol addiction, domestic violence or mental illness are identified we will provide support to the victim and to the perpetrator by referring to appropriate support services.

Legal and enforcement action where necessary

We will take a robust approach to resolve ASB, and this will include legal action where necessary to protect victims. We will ensure that any action is a proportionate response to protect the victim or community in line with the Enforcement Concordat. We will continue to use our legal tools and powers innovatively and assess their effectiveness to inform future decision making.
Prevent anti-social behaviour where possible

Prevent anti-social behaviour where possible

By using appropriate and timely interventions we aim to resolve most complaints at the earliest opportunity for example by sending warning letters, offering mediation or positive diversionary interventions, making use of Acceptable Behaviour Contracts (ABCs) and making appropriate referrals for support. We will champion the use of Community Standards to promote neighbourly behaviour and advertise the Community Trigger, so everyone understands their rights as a victim of ASB.



9. Appendix 3: Victim's Charter

This charter does not replace any statutory rights that victims have under the Victims Code or any other codes of practice. This is Westminster City Council's commitment towards our residents and community to deliver a victim centred response to anti-social behaviour.

We will allocate a lead ASB caseworker to be single point of contact (SPoC) through the duration of the case who will:

- Help victims understand what the options are in the case progression even if we are limited in what information we can legally disclose
- Discuss and agree the victim's level of involvement within the case
- Advocate on behalf of the victim within any professional meetings relating to their case
- Keep victims informed about the progress of their case including any court hearings
- Discuss the court process with the victim when securing victim impact statements, discussing the special measures available to protect victims when testifying, and apply for extra help when giving evidence in court if appropriate
<https://www.victimsupport.org.uk/going-court/extra-help-court/>
- Discuss all available support services open to the victim and provide referrals to victims' support services / other relevant support services where appropriate

10. Appendix 4: Resources

Experiencing anti-social behaviour can be stressful and upsetting. Westminster Housing has produced a series of ASB fact sheets and FAQ to help support our tenants which can be found here: <https://www.westminster.gov.uk/housing/anti-social-behaviour>

There are national and local organisations which may be able to offer you additional support and advice. Some of them are listed here:

General support:

Victim Support

Victim Support is the independent charity for people affected by crime and traumatic events in England and Wales. They provide individual, independent, emotional, and practical help to enable people to cope and recover from the effects of crime.

Get support locally

- Contact your nearest Victim Support team: <https://www.victimsupport.org.uk/help-and-support/get-help/support-near-you/>

Call the Victims' national phone line

- Call the Support line for free on **08 08 16 89 111**, 24/7

Get support online

- Start a live chat, available across England and Wales, 24/7: <https://www.victimsupport.org.uk/help-and-support/get-help/support-near-you/live-chat/>



- Request support online:
<https://www.victimsupport.org.uk/help-and-support/get-help/request-support/>
- Access My Support Space – a free online resource containing interactive guides and videos
<https://www.mysupportspace.org.uk/moj>

Alternatively, you can call the Victims' Information Service for free on **08 08 16 89 293**

Citizens Advice Witness Service

A network of independent charities offering confidential advice online, over the phone and in person. CAB are independent, impartial and the service is free. CAB also support witnesses in every criminal court in England and Wales. Practical information about the process, as well as emotional support to help witnesses feel more confident when giving evidence.

- Telephone: **0300 332 1000**
- Email: WSreferralhub@citizensadvice.org.uk
- Witness service website:
<https://www.citizensadvice.org.uk/law-and-courts/legal-system/going-to-court-as-a-witness1/get-help-and-support-being-a-witness/get-help-from-the-witness-service/>

Westminster Advice Services Partnership (WASP)

Advice on a range of issues, including Benefits, Debt, Housing, Employment, Consumer, Legal, Tax, Family law, Energy suppliers and Immigration & Nationality. Service available to Westminster residents (including those who are temporarily resident, or those placed temporarily by the City Council outside of the borough), or homeless with no local connection to anywhere outside of Westminster.

- WASP can be found across Westminster, at the following locations and times:
- Beethoven Community Centre, Third Avenue, London W10 4JL, Mondays 1:30pm to 4pm
- WECH Community Centre, Athens Gardens, entrance via Chantry Close off Elgin Avenue, W9 3RS, Tuesdays, 3pm to 5pm

- Citizens Advice Westminster, 21a Conduit Place, London, W2 1HS, Tuesdays 5:30pm to 7pm (for employed only) and Fridays 2pm to 4pm, every 4th Friday women only
- Church Street Library, 67 Church Street, NW8 8EU, Wednesdays 10:30am to 12:30pm
- South Westminster Legal Advice Centre, 246 Vauxhall Bridge Road, London SW1V 1AU, Fridays, 9:30am to midday

Telephone: **0300 330 1191**

Westminster Advice Services Partnership website:

<https://www.westminsteradvice.org.uk/>

Mental health support

SPA - Single Point of Access

The Single Point of Access provides one number and one email address for referrals to secondary mental health services and support in a mental health crisis in the Borough of Westminster.

The Single Point of Access is open 24 hours a day, seven days a week, 365 days a year.

<https://www.cnwl.nhs.uk/services/mental-health-services/adult-and-older-adult/single-point-access>

You can call us on **0800 0234 650** or email cnw-tr.spa@nhs.net

The Samaritans

The Samaritans are there for anyone who's struggling to cope, who need someone to listen without judgement or pressure. Free support on the phone, via email, letter and in person.

- Website: <https://www.samaritans.org/branches/central-london/>
- Telephone: **116 123**
- Email: jo@samaritans.org
- Write to: Freepost RSRB-KKBY-CYJK, Chris, PO Box 9090, STIRLING FK8 2SA



For older people

Age UK advice line

Free national advice line for older people and those seeking advice for older friends or relatives. Open 8am to 7pm, 365 days a year.

Telephone: **0800 678 1174**

Website: <https://www.ageuk.org.uk/westminster/>

For leaseholders

The Leasehold Advisory Service

Government funded independent advice for Residential Leaseholders
The Leasehold Advisory Service website can be found here:

<https://www.lease-advice.org/>

Support for families in Westminster

Westminster Family Information Service

Westminster FIS website:

<https://fisd.westminster.gov.uk/kb5/westminster/fis/home.page>

To report a concern about a child, contact the Westminster
Access and Assessment Team at **0207 641 4000** or
e-mail AccessToChildrensServices@westminster.gov.uk

ASB guidance and advice

ASB Help

Further information and advice for victims and Businesses around
Anti-social Behaviour, Support Services and the Community Trigger
can be found at ASB Help <https://asbhelp.co.uk/>

ASB Tools and Powers Guidance

Home Office Statutory Guidance for ASB, Crime & Policing Act 2014
tools and powers can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088750/2022_Updated_ASB_Statutory_Guidance-_FINAL.pdf

11. Appendix 5:

Glossary

Anonymity	The ability to withhold details of a person so they are not able to be identified by anyone. We use this tactic if someone is at risk of coming to harm if their identity is revealed to perpetrators.
Community Resolution	When dealing with anti-social behaviour or less serious offences through a community resolution, the police officer may use the Community Remedy document to engage the victim in having a say in the punishment of the perpetrator. The Community Remedy gives victims a say in the out-of-court punishment of perpetrators of less serious crime and anti-social behaviour, including allowing them to consider a restorative justice approach. The Community Remedy document is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.
Community Trigger	The ASB Case Review, often referred to as the 'Community Trigger' is an important statutory safety net for victims of anti-social behaviour who believe they have not had a satisfactory response to their complaints about anti-social behaviour. Where a locally determined threshold is met, victims can require the relevant bodies in the local area to undertake a review of the case, and those bodies have a statutory duty to undertake that review.
Cuckooing	Cuckooing is a form of crime, termed by the police, in which drug dealers take over the home of a vulnerable person in order to use it as a base for drug dealing. It is named after the cuckoo's practice of taking over other birds' nests.
Enforcement Concordat	The Enforcement Concordat: Good Practice Guide for England and Wales is a Code of Practice between Government and local councils. It sets out a range of options drawn from current good practice, which enforcers can use to help them apply the Principles of Good Enforcement.



Mediation	Mediation is a way to mend relationships when there is a disagreement. Mediation is held by a neutral person (a 'mediator'). The mediator is impartial. This means they do not take sides. They are there to help everyone involved find a solution they can all agree to.
Modern Slavery	Modern slavery refers to situations where an individual is deceived, coerced, or forced into exploitation. Modern slavery is an umbrella term which encompasses human trafficking, servitude and forced or compulsory labour. It is outlined in the Modern Slavery Act 2015.
Registered Social Landlord	A Registered Social Landlord (RSL) is a Housing Association or other organisation registered with the Housing Corporation as a Social Landlord (Section 1 – Housing Act 1996) having a Local Management Presence.
Rehabilitative Requirements	Rehabilitative Requirements are court ordered services required when a person needs help to keep, get back or improve skills and functioning for daily living. It can include services revolving around Mental Health or Drug and Alcohol dependencies for example.
Restorative Justice	A Restorative Justice approach is a way of working with conflict that puts the focus on repairing the harm that has been done. It is an approach to conflict resolution that includes all of the parties involved.
Safer Westminster Partnership	The Safer Westminster Partnership is our statutory Community Safety Partnership where the council works with the police, fire, health, probation, and other agencies to develop strategies and policies to make Westminster safer.

12. Appendix 6: Related WCC Strategies

Strategy	Prevention	Early Intervention	Supporting Victims	Bringing Perpetrators to Justice	Engaging Communities
Safer Westminster Partnership Strategy (2020 - 2023)	Making the West End a safer place for visitors, residents, and businesses	Intervening early with families and young people to reduce their risk of victimisation and prevent offending.	Protecting the most vulnerable in Westminster from becoming victims of violence or exploitation	Working with the most problematic offenders to reduce their re-offending	Focusing on what matters most to residents, businesses, and visitors
Fairer Westminster Strategy (2022 - onwards)	Build a City where residents, workers and visitors from all backgrounds will feel welcome and safe.	Our council services will be transparent, easily accessible and effective, ensuring people can get the support they need	Our council services will be transparent, easily accessible and effective, ensuring people are safeguarded		Communities are at the heart of decision making to build a more inclusive city that celebrates its diverse communities
Westminster City Plan (2019 - 2040)	Delivers a well-designed, safe and managed public realm to support community growth; ensures the evening and night-time economy is not dominated by the consumption of alcohol, which can lead to issues of anti-social behaviour.	Development and or public realm improvement proposals will be required to incorporate appropriate security measures advised by the Metropolitan Police and / or the council			Neighbourly Development principle applies to all proposals to avoid negative impacts associated with further growth of the City.
Private Rented Sector Housing Strategy (2021 - 2025)	Effective management of private residential properties against the Council's standards	Licensing of Houses in Multiple occupation to ensure Council's standards for safe and well managed homes	Ensure referral mechanisms to 'Safer Renting' charity and Justice for Tenants as well as Tenancy Relation Officers	Enforce Housing standards which may include civil or criminal action against non compliant landlords	Promoting awareness around Housing issues via Landlords forums and PRS Strategy group
Mental Health Strategy (emerging) 2023 - onwards	Ensuring relevant support to address key behavioural drivers that may put tenancies at risk	Ensuring support is available at the earliest opportunity to address mental ill health as root causes of unacceptable behaviour	People are supported to look after their mental wellbeing	Provides intervention and support for perpetrators to change their behaviour	



<p>CYP and Families: Drugs Strategy (emerging): Preventing and Reducing harm caused by illegal drugs on children, young people, and families (2023-2026)</p>	<p>Ensuring we best to support:</p> <ul style="list-style-type: none"> • Children and young people (CYP) who are using illegal drugs • Parental Substance misuse and "hidden harm" • CYP who are involved (and/or exploited to be) with the supply and dealing of drugs 	<p>Draft recommendations relate to Education and Awareness, Stigma and Shame, Safe Spaces for Children and Young People, Support for Families and Strategic Collaboration</p>	<p>Key focus is to prevent and support CYP who are involved (and exploited to be) in the dealing and supply of drugs: this includes raising awareness amongst recreational drugs users on the impact on local CYP and communities and challenging the perceptions around involvement in drugs.</p>	<p>Combating Drugs Partnership: To ensure delivery of the 10-year National Drugs strategy in line with the National Combating Drugs Outcomes Framework: this is a national ask</p>	<p>An important overarching enabler to the recommendations is strengthening the voices of local people, especially children and young people and those with lived experiences. Addressing drugs and related issues are consistently a top priority named by residents.</p>
<p>Violence against Women & Girls (VAWG) Strategy (2021 - 2026)</p>	<p>Children and young people (CYP) who are using illegal drugs</p>		<p>Ensures survivors are provided the right support at the right time</p>	<p>Holds abusers to account and provides intervention and support for them to change their behaviour</p>	<p>Work preventatively with children and young people in schools and other settings to promote healthy relationships, gender equality and respect.</p>
<p>Health and Wellbeing Strategy (emerging) (2023 - onwards)</p>	<p>Parental Substance misuse and "hidden harm"</p>		<p>People are supported to look after their mental wellbeing</p>		<p>People and Communities work together for a fairer society</p>
<p>Rough Sleeping Strategy (emerging) (2023 - onwards)</p>	<p>CYP who are involved (and/or exploited to be) with the supply and dealing of drugs</p>	<p>Advise rough sleepers on the support that is available to them and the consequences of not engaging or behaving antisocially</p>	<p>Identify where rough sleepers have been victims of crimes such as trafficking and respond appropriately</p>	<p>Ensure rough sleepers who refuse to engage and pose a danger to themselves, or others are subject to enforcement action with a view to changing their behaviour.</p>	
<p>Homelessness Strategy (2019 - 2024)</p>		<p>Ensuring relevant support and interventions to address key behavioural drivers that may put tenancies at risk</p>	<p>Protecting victims from noncompliant landlords</p>	<p>Holding non-compliant landlords to account</p>	
<p>Statement of Gambling Policy (2022)</p>	<p>Prevents gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</p>	<p>Protecting children and other vulnerable persons from being</p>			

Statement of Licensing Policy (2022)	The Licensing Authority will not grant applications that do not promote the Prevention of Crime and Disorder, and Public Nuisance licensing objectives.	Implementation of Licensing conditions to control crime & disorder where appropriate		Holds Licence holders of problematic premises accountable for controlling crime & disorder issues within their venue	Encourages membership of an appropriate scheme (e.g. Pub Watch etc) where this would promote the licensing objective to control crime & disorder
Busking & Street Entertainment Policy (2021)	Licensing scheme to control activities that may cause a nuisance in the City Centre	Code of Conduct to improve control & address the adverse impacts experienced by pedestrians, businesses, and residents		Holds buskers accountable with a self-regulating approach and licensing conditions	
Early Help Strategy (2019 - 2022)	Prevention of children and young people committing offences	Strengthening parents' and young people's resilience in managing their behaviour when Parenting capacity manifests itself in significant behavioural issues			
Modern Day Slavery and exploitation strategy (2021 - 2026)	Builds Community understanding, empathy, and resilience, where adults & children know about and can exercise their rights	Ensures communities know the signs and how to report suspicions	Protecting the most vulnerable in Westminster from becoming victims of violence or exploitation	All agencies are involved in sharing information to build the intelligence picture and allegations are investigated thoroughly	

Westminster City Council's ASB Strategy is underpinned by the following ASB Policies:

- Westminster Housing - Statement of Policies and Procedures on Tackling Anti-Social Behaviour Housing Act 1996 s.218a
- Westminster City Council – Anti-Social Behaviour Policy – General ASB



Need to report Anti-social Behaviour?

Find out how to report anti-social behaviour, and the best way to do it depending on your circumstances on p.46

The Council is not an emergency response service. Incidents where there is an immediate risk of harm to person or property must be reported to the police or other appropriate emergency service at **999**.

References

The Mayor's Office for Crime and Policing (MOPAC)

<https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-statistics/crime-dashboard>





Home Office

Anti-social Behaviour, Crime and Policing Act 2014:

Anti-social behaviour powers Statutory guidance for frontline professionals

Revised in March 2023



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This publication is available at <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

Any enquiries regarding this publication should be sent to : ASBTeam@homeoffice.gov.uk

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Introduction

About this Guidance

The Home Office first published this statutory guidance in July 2014; its aim was to enable the effective use of new powers to tackle anti-social behaviour that were introduced through the Anti-social Behaviour, Crime and Policing Act 2014 ('the 2014 Act'). These powers are local in nature, as those who work within, and for, local communities are best placed to understand what is driving the behaviour in question, the impact that it is having, and to determine the most appropriate response. This guidance is intended to assist the police, local authorities and other local agencies who exercise functions under the 2014 Act to respond to instances of anti-social behaviour in their local areas.

The Guidance was first revised in December 2017 to reflect experiences since the 2014 Act came into force, to ensure that there was a greater focus on the impact of anti-social behaviour on victims and on their needs, and to emphasise the need to ensure that relevant legal tests are met to trigger the use of the powers. The Guidance was further revised in January 2021 to reflect the Sentencing Code, which is a product of the Sentencing Act 2020, to update references to legislation, including to the 2014 Act, and to clarify the availability of the powers in the 2014 Act in certain circumstances. The guidance was then updated in July 2022 to include Expedited Public Spaces Protection Orders, which are intended to protect the public from harm that some protests in the vicinity of schools, vaccination centres and NHS Test & Trace (T&T) sites in England or Test, Trace, Protect (TTP) sites in Wales cause. The guidance is now being revised again to coincide with the launch of the ASB Action Plan and to promote greater consistency of the powers and tools.

This revised guidance is issued by the Secretary of State as statutory guidance under Parts 1-4 of the 2014 Act.

Summary

The first part of this guidance focuses specifically on putting victims at the heart of the response to anti-social behaviour. We know that, where left unchecked, anti-social behaviour can have an overwhelming impact on its victims and, in some cases, on the wider community. Therefore, the formal Anti-social Behaviour Case Review, formerly known as the Community Trigger, is an important safety net in ensuring that victims' voices are heard.

It is important that victims can easily access information about how to apply for a formal ASB Case Review and in what circumstances they can do so. We have previously made changes to the Guidance to emphasise the importance of victim representation during the ASB Case Review process and for independent perspectives to be involved in the review. The Community Remedy also gives victims a say in out-of-court punishments where the perpetrator of the anti-social behaviour is dealt with through a community resolution disposal. It is important that local agencies are aware of the Community Remedy when dealing with cases of anti-social behaviour, and to consider what is the best outcome for all those involved. In October 2022 we published the [ASB Principles](#) which seek to describe a consistent approach to understanding and addressing Anti-social Behaviour (ASB) in local communities.

The Community Safety Accreditation Scheme (CSAS) is a voluntary scheme under which chief constables can choose to accredit employed people already working in roles that contribute to maintaining and improving community safety with limited but targeted powers. Those with accreditation should consider where their powers can be used to tackle anti-social behaviour.

The second part of the guidance focuses on the use of powers provided by the 2014 Act. These are designed to be flexible to ensure that local agencies have the tools they need to respond to different forms of anti-social behaviour. The guidance sets out the legal tests that must be met before each of the powers can be used. The guidance emphasises the importance of ensuring that the powers are used appropriately to provide a proportionate response to the specific behaviour that is causing harm or nuisance without impacting adversely on behaviour that is neither unlawful nor anti-social.

Part 1: Putting the victim first

The impact on victims, communities and businesses

The legal tests that govern the use of the anti-social behaviour powers are focused on the impact that the behaviour is having, or is likely to have, on victims, communities and businesses. When considering the response to a complaint of anti-social behaviour, agencies must consider the effect that the behaviour in question is having on the lives of those subject to it. For example, agencies should recognise and consider the debilitating impact that persistent or repeated anti-social behaviour can have on its victims, and the cumulative impact if that behaviour persists over a period of time.

The legislation requires the relevant local agencies to be satisfied that the specific legal tests and safeguards set out in the legislation are met before the 2014 Act powers are used.

These tests are intended to help ensure the appropriate and proportionate use of the powers and that they are being used to target specific problems or specific circumstances. They do allow for preventative action to be taken, for agencies to intervene early to prevent problems from escalating, and in some instances for there to be a focus on tackling the underlying causes of the anti-social behaviour.

The response to anti-social behaviour may require collaborative working between different agencies to determine the most appropriate solution. Where a report or complaint is made to one agency, that lead agency should consider the potential role of others in providing a solution if they are not themselves able to take action. This will help to ensure that reports of anti-social behaviour are not inadvertently lost between the different reporting arrangements of different agencies. It may also help to provide a mechanism for considering the potential for engaging the wider community in finding solutions to specific local anti-social behaviour issues.

It is important to note that businesses and retailers can be affected by anti-social behaviour. The powers in the 2014 Act are available to relevant agencies when anti-social behaviour occurs in these settings.

The Anti-social Behaviour Strategic Board has developed a set of principles which seek to describe a consistent approach to understanding and addressing Anti-social Behaviour (ASB) in local communities. The principles are not intended to fetter local decision making but rather to act as a guide in seeking to deliver the best possible outcomes for victims of ASB. We strongly recommend that agencies refer to the following guiding principles:

1. Victims should be encouraged to report ASB and expect to be taken seriously. They should have clear ways to report, have access to help and support to recover, and be given the opportunity to choose restorative approaches to tackling ASB.
2. Agencies will have clear and transparent processes to ensure that victims can report ASB concerns, can understand how the matter will be investigated and are kept well informed of progress once a report is made.

3. Agencies and practitioners will work across boundaries to identify, assess and tackle ASB and its underlying causes. Referral pathways should be clearly set out between services and published locally. This includes pathways for the ASB Case Review and health services.
4. The public's ASB concerns should always be considered both nationally and locally in strategic needs assessments for community safety. Best practice should be shared through a network of ASB experts within each community safety partnership, each policing area and nationally.
5. Adults and children who exhibit ASB should have the opportunity to take responsibility for their behaviour and repair the harm caused by it. Agencies should deliver appropriate interventions, which may include criminal justice options, based on the seriousness, risks and vulnerabilities of the case.

Giving victims a say

The Anti-social Behaviour, Crime and Policing Act 2014 included two specific measures, designed to give victims and communities a say in the way that complaints of anti-social behaviour are dealt with, and to help ensure that victims' voices are heard. These measures are:

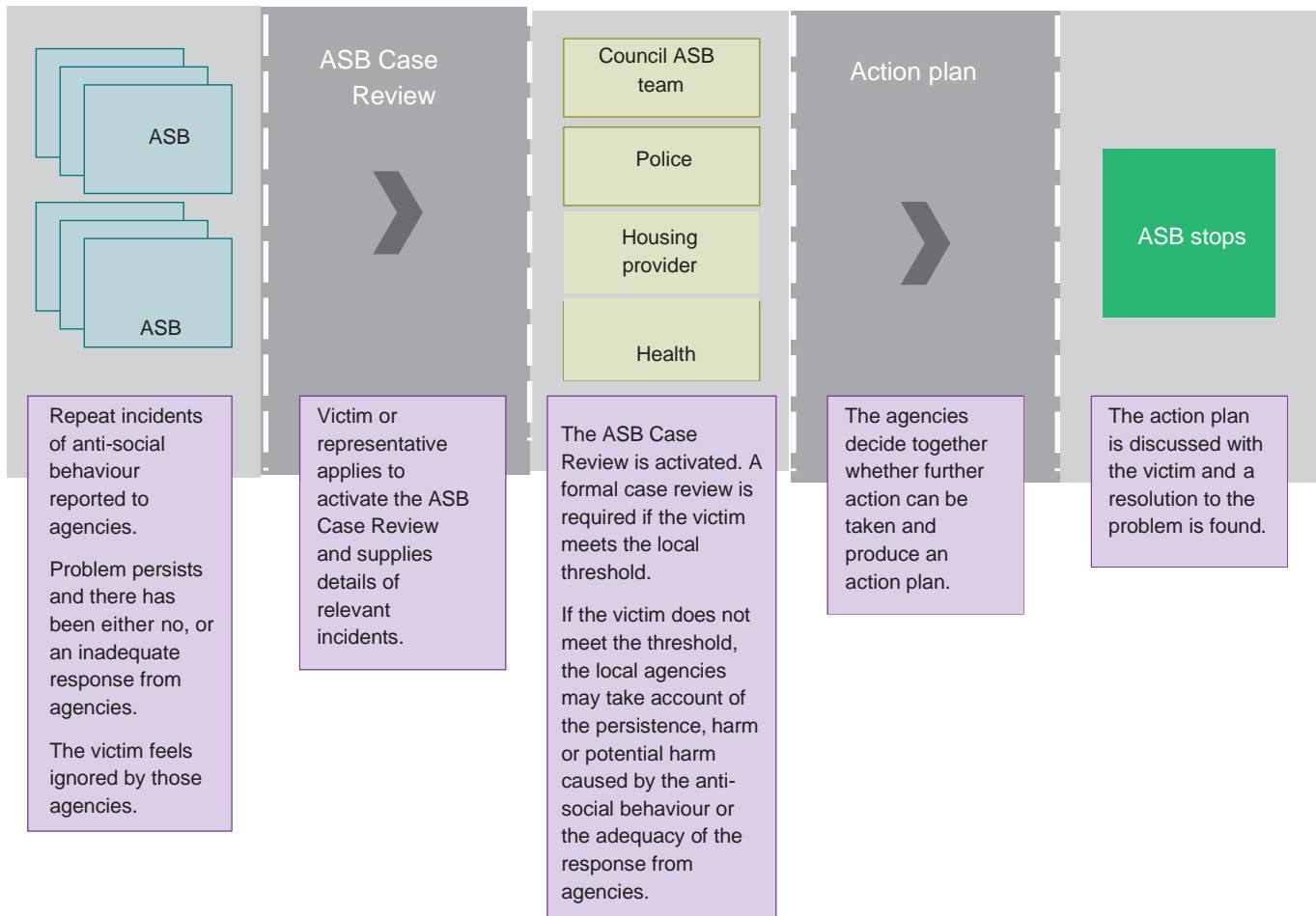
- **the ASB Case Review (formerly known as the Community Trigger):** this gives victims of persistent anti-social behaviour the ability to demand a formal case review where the locally defined threshold is met, in order to determine whether there is further action that can be taken. The relevant bodies in the local area must agree on, and publish their ASB Case Review procedures; and
- **the Community Remedy:** this gives victims a say in the out-of-court punishment of perpetrators of anti-social behaviour when a community resolution, conditional caution or youth conditional caution is chosen as the most appropriate response.

The above measures are discussed in more detail in this part of this guidance.

1.1 The ASB Case Review (formerly known as the Community Trigger)

Purpose	To give victims and communities the right to request a review of their case where a local threshold is met, and to bring agencies together to take a joined up, problem-solving approach to find a solution for the victim.
Relevant bodies and responsible authorities	<p>Key bodies:</p> <ul style="list-style-type: none"> • Councils. • Police. • Integrated Care Boards in England and Local Health Boards in Wales. • Registered providers of social housing who are co-opted into this group.
Threshold	<p>To be defined by the local agencies, but not more than three complaints in the previous six-month period.</p> <p>May also take account of:</p> <ul style="list-style-type: none"> • the persistence of the anti-social behaviour; • the harm or potential harm caused by the anti-social behaviour; • the adequacy of the response to the anti-social behaviour. <p>The key relevant bodies (listed above) must publish details of the procedure to ensure that victims are aware that they can apply in appropriate circumstances.</p>
Details	<p>When an ASB Case Review is requested and the threshold has been met, the relevant bodies must decide whether the threshold has been met and communicate this to the victim.</p> <p>If the threshold is met:</p> <ul style="list-style-type: none"> • a case review will be undertaken by the relevant bodies. They will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local ASB Case Review procedure should clearly state the timescales in which the review will be undertaken; • the review will see the relevant bodies adopting a problem-solving approach to ensure that all the drivers and causes of the behaviour are identified and a solution sought, whilst ensuring that the victim receives appropriate support and is kept updated of progress; • the victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales. <p>If the threshold is not met:</p> <ul style="list-style-type: none"> • although the formal procedures will not be invoked, this does provide an opportunity for the relevant bodies to review the case to determine whether there is more that can be done. <p>Agencies have a duty to publish specified data on the ASB Case Review at least every twelve months.</p>
Who can use the ASB Case Review procedure?	<ul style="list-style-type: none"> • A victim of anti-social behaviour or another person acting on behalf of the victim with his or her consent, such as a carer or family member, Member of Parliament, local councillor or other professional. • The victim may be an individual, a business or a community group.
The legislation	Sections 104 and 105 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	The ASB Case Review provides an important safety net for victims of persistent anti-social behaviour and those who may be most vulnerable.

The ASB Case Review



Purpose

The ASB Case Review is an important statutory safety net for victims of anti-social behaviour who believe they have not had a satisfactory response to their complaints about anti-social behaviour. Where a locally determined threshold is met, victims can require the relevant bodies in the local area to undertake a review of the case, and those bodies have a statutory duty to undertake that review. In addition to the victim, the ASB Case Review can be activated by a person on behalf of the victim who is aware of the circumstances and acts with the victim's consent. This might include a family member, friend, carer, councillor, Member of Parliament or other professional. It is recommended that the relevant bodies also consider automatically undertaking a case review once the threshold has been met, even in cases where the victim has not requested one.

Receiving an ASB Case Review application should not be perceived by agencies as a complaint about their work but as an opportunity to find a solution for the victim(s) of the anti-social behaviour.

Putting victims first: The ASB Case Review an important safety net for victims of persistent anti-social behaviour. It provides a mechanism to ensure that their case is reviewed in order to secure a satisfactory resolution. The legislation requires the relevant local agencies to determine a local threshold for triggering the Case Review procedures. It is important that these agencies ensure that victims are aware of the procedures, the circumstances in which they can apply for a formal review, and how to do so. Consideration should always be given on how victims can best express the impact that the anti-social behaviour has had on their

Who are the relevant bodies?

The relevant bodies in any area are those organisations listed below who must have an ASB Case Review procedure in place and who must undertake a case review when a person asks for one and the local threshold is met. The relevant bodies are:

- the district council, unitary authority or relevant London borough council for the area;
- the police force covering the area;
- the relevant integrated care board in England or local health board in Wales; and
- local providers of social housing who are co-opted into the local arrangements.

Involving Police and Crime Commissioners and wider agencies

The local Police and Crime Commissioner must be consulted when the ASB Case Review procedure is set up and whenever it is reviewed. Consideration should also be given to consulting the local Community Safety Partnership(s) and other relevant local agencies to ensure a joined-up approach across agencies. In addition, the Police and Crime Commissioner can be involved directly in the procedure, for example by:

- auditing previous case reviews;
- promoting awareness of the ASB Case Review and the relevant processes;
- attending ASB Case Review meetings as an independent party;
- Convening the relevant bodies to undertake the ASB Case Review;
- providing a route for victims to query the decision on whether the threshold was met or the way in which the review was carried out; or
- monitoring use of the ASB Case Review to identify any learning and best practice to share more widely.

Police and Crime Commissioners should liaise with the relevant bodies before becoming directly involved in the procedure. Police and Crime Commissioners also have responsibilities

for the commissioning of victims' services and consideration should be given to how to ensure that local agencies consider how the victim is supported as part of the process.

Relevant local health services may need to be involved in the review. They should work closely with those reviewing the case when this is requested by any of the key agencies. Their contribution may be evidential documentation or a statement, attendance at a review meeting or another form of participation that the agencies deem necessary. This should be treated as standard for those ASB Case Review reviews that involve victims with health-related vulnerabilities.

What must the relevant bodies do?

The relevant bodies listed above must:

- set the local threshold for activating the ASB Case Review;
- establish and publish arrangements for conducting ASB Case Reviews;
- undertake a formal Case Review where the local threshold is met; and
- publish the numbers of applications for the ASB Case Review and other information, as detailed on page 17.

Setting the local threshold

The relevant bodies should collectively agree an appropriate ASB Case Review threshold, having regard to the nature of anti-social behaviour and harm experienced by victims in their area.

The threshold must be no higher than three qualifying complaints of anti-social behaviour in a six-month period; this does not preclude those who exceed this threshold (e.g. by making more than three qualifying complaints within the six-month period) from having a Case Review conducted. For example:

- 1 January – A victim submits a qualifying complaint of anti-social behaviour to the local authority. The anti-social behaviour is not resolved by the local authority.
- 15 March – The victim continues to experience anti-social behaviour and makes a qualifying complaint to the police. The anti-social behaviour is not resolved by the police.
- 31 May – The anti-social behaviour continues, and the victim now makes a qualifying complaint to both the local authority and the police. The victim again receives no assistance from the relevant agencies.
- The victim has made three qualifying complaints of anti-social behaviour between 1 January and 31 May. This is within a six-month period. The relevant agencies must now undertake an ASB Case Review to resolve the anti-social behaviour.

Where a person makes an application for the ASB Case Review and has made at least the set number of qualifying complaints, the threshold for a review is met and the relevant bodies have a duty to undertake the ASB Case Review. This can be on an open or closed case.

Qualifying complaints

For the purposes of the ASB Case Review procedures, a qualifying complaint is:

- where the anti-social behaviour was reported within one month of the alleged behaviour taking place; and
- the application to use the ASB Case Review is made within six months of the report of anti-social behaviour.

It is open to the agencies involved in these reviews to set different levels to those set out above if appropriate for their area, provided that they do not lower the standard as set out here. The requirement for the anti-social behaviour to be recent is to prevent more historical incidents of anti-social behaviour being used to invoke these procedures.

It is recommended that relevant agencies consider undertaking a Case Review when the threshold has been met even where the victim has not requested one. Agencies can do this by ensuring they monitor and keep a log of all qualifying complaints and automatically conduct a Case Review when three qualifying complaints have been made in a six-month period.

The definition of anti-social behaviour in this context is behaviour causing harassment, alarm or distress to a member or members of the public. When deciding whether the threshold is met, agencies should consider the cumulative effect of the incidents and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm, or distress.

Similarly, although housing-related anti-social behaviour has a lower test of nuisance or annoyance for an injunction under Part 1 of the 2014 Act, in such instances because of the victim's inability to separate themselves from the anti-social behaviour, the harm experienced may well result in harassment, alarm or distress for the purposes of the ASB Case Review.

The ASB Case Review is specifically designed to deal with anti-social behaviour. However, anti-social behaviour can often be motivated by hate and the relevant bodies may wish to include reports of these incidents as part of their procedures.

Setting the threshold: additional considerations

In considering whether the threshold is met, the relevant bodies should have regard to:

- the persistence of the anti-social behaviour;
- the harm, or potential harm, caused by the anti-social behaviour; and
- the adequacy of the response from agencies.

The harm, or the potential for harm to be caused to the victim, is an important consideration in determining whether the threshold is met because the more vulnerable will be less resilient to anti-social behaviour. People can be vulnerable for various reasons, and vulnerability or resilience can vary over time depending on personal circumstances and the nature of the anti-social behaviour. The relevant bodies should use their risk assessment procedures as part of the decision on whether the threshold is met. Risk assessment matrices cannot provide a definitive assessment of someone's needs, but they will assist agencies in judging an appropriate response. It may be beneficial for the relevant bodies to adopt a common risk

assessment matrix, or to have an agreed matrix for the purposes of the ASB Case Review .

Cases where there are repeated applications by people which, on investigation, relate to non-anti-social behaviour matters may be indicative of an underlying vulnerability or unmet need. Consequently, even where the threshold is not met, local agencies may wish to consider the possibility of hidden needs or risks which may require a response from a particular agency.

Behaviour which falls below the level of harassment, alarm, or distress, may not meet the threshold, but when assessed on the grounds of potential harm to the victim, the impact of the behaviour may be such that the threshold is considered to be met.

Where the victim is considered to be particularly vulnerable, the relevant bodies should consider whether additional practical and emotional support can be offered to the victim.

Publishing the ASB Case Review procedure

The relevant bodies must publish the ASB Case Review procedure to ensure that victims are aware that they can apply to activate the procedures in appropriate circumstances.

Consideration should be given to where this information is published and how accessible the information is. For example, the title 'ASB Case Review' in isolation may not be sufficient of itself to alert victims to the purpose of the procedures. The best way of reaching audiences is to clearly link ASB Case Review information to broader information on reporting and responding to anti-social behaviour, and making it clear that the procedure is about seeking a review of the case.

The relevant bodies should decide an appropriate method and format for publicising the procedure, taking account of the needs of the local community. The information should be provided on the websites of all the relevant bodies, signposting the public to the lead agency's website, a point of contact and the procedures for activating the process. Consideration should be given to whether it is appropriate to translate the information into different languages.

Publishing a point of contact

The published information on the ASB Case Review must include a point of contact for making an application. When publishing the point of contact it is good practice to provide a telephone number, email address, postal address, printable form, and a form which can be completed online.

Putting victims first: Using the ASB Case Review should be made as straightforward as possible for victims of anti-social behaviour

It is good practice to have several methods to contact an agency, recognising that some victims may feel more comfortable contacting one agency than another, or may not have access to the internet or, in the case of issues involving neighbours, may be reluctant to use the telephone for fear of being overheard. The ASB Case Review can be used by any person, and agencies should consider how to make it as accessible as possible to young people, those who are vulnerable, have learning difficulties or do not speak English.

The ASB Case Review procedure

The relevant bodies must work together to devise and agree the procedure for the ASB Case Review. The procedure should ensure that the review looks at what action has previously been taken in response to the victim's reports of anti-social behaviour. It must also include provision for a person to request a review of the way that their application for a previous ASB Case Review has been dealt with, and the way in which the review was carried out.

A basic ASB Case Review procedure

Each area should agree a procedure that suits the needs of victims and communities in their area. However, the basic outline of that procedure is likely to include the following steps:

- a victim of anti-social behaviour (or someone acting on their behalf) makes an application to use the ASB Case Review;
- the relevant bodies decide whether the threshold is met;
- if the threshold is met, the relevant bodies share information about the case, consider whether any new relevant information needs to be obtained, review previous actions taken and propose a response. The victim is informed of the outcome, or agencies will work with the victim to devise and implement an action plan;
- if necessary, escalation and review.

When setting up the procedure, the relevant bodies should consider how the ASB Case Review can be built into existing processes. Many areas already have regular multi-agency meetings to discuss cases of anti-social behaviour, including Community Safety Partnership meetings. These may be suitable forums to undertake the case review. Alternatively, the relevant bodies may decide that it is more appropriate to have a separate forum to discuss ASB Case Review applications. The local Police and Crime Commissioner may also want to be responsible for convening the relevant bodies when a ASB Case Review application is received. Where the perpetrator is under the age of 18, the youth offending team should be invited to attend the review.

It is recommended that local areas consider whether case review meetings should be chaired by an appropriately trained independent lead. Where most of the agency representatives have been involved in a particular case, consideration should be given to involving somebody independent in the review to provide an external or fresh perspective on the case and the action that has been taken.

Putting victims first: Relevant bodies should always consider inviting the victim to attend a section of the case review meeting to help all members of the panel understand the level of harm and impact it has had on them. It may be more appropriate to invite a representative of the victim to attend, especially where they have activated the ASB Case Review on behalf of the victim. If the victim is not able to attend themselves, it is always good practice to have somebody involved in the case review to represent the victim, such as from Victim Support or another organisation supporting victims in the local area.

The case review should not include a review of any decisions made by the Crown Prosecution Service (CPS). If a victim is not satisfied with a decision made by the CPS, they should refer to the CPS complaints process, and the Victims' Right to Review Scheme. The latter makes it easier for victims to seek a review of a CPS decision not to bring charges against a suspect or to terminate proceedings, in relation to decisions made after 5 June 2013.

Sharing information

The effective operation of the ASB Case Review requires that the relevant bodies must share information for the purpose of carrying out the review. This may include details of previous complaints made by the victim, information about the effect the issue has had on others and details of what action has previously been taken. Relevant bodies should therefore have agreements in place for information sharing, risk assessments and a common understanding of the aims of the ASB Case Review. Victims also need to give consent for information about them to be collected and shared between agencies. It is good practice to also share relevant information on the ASB Case Review with the local Police and Crime Commissioner.

The relevant bodies may request any person to disclose information for the purpose of the case review. If the request is made to a person who exercises public functions and they possess the information, they must disclose it. The only exception to that is where to share the information, which would be either:

- a disclosure of personal data in contravention of any of the provisions of the data protection legislation¹ which are not exempt from those provisions, or
- a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

¹ This expression has the same meaning as set out in section 3(9) of the Data Protection Act 2018.

Other than these two exceptions, disclosing information for the ASB Case Review does not breach any obligation of confidence or any other restriction on the disclosure of information.

Sharing information: housing providers

Housing providers undertake several functions, including some that are public in nature and some that are not. If a request is made in relation to their functions that are considered to be public in nature, the information sharing duty applies. This is the case for housing providers who are co-opted into the group of relevant bodies as well as those who are not.

Sharing information

In England, the Regulator of Social Housing's Regulatory Framework, Neighbourhood and Community Standard, requires registered housing providers to:

- co-operate with relevant partners to help improve social, environmental, and economic wellbeing in areas where they own properties; and
- work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

Making Recommendations / Action Plan

The relevant bodies who undertake the review may give actions to other agencies. The legislation places a duty on a person who carries out public functions to have regard to those recommendations. This means that they are not obliged to carry out the actions, but that they should acknowledge them, and they should be challenged if they choose not to carry them out without good reason, particularly where vulnerabilities exist. It is good practice for the relevant bodies to keep the victim informed on how they are carrying out the recommendations and monitor case progression. Where recommendations cannot be actioned, agencies should provide full reasons to the victim.

The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour. Whenever possible, the relevant bodies should involve the victim in devising the action plan to help ensure that it meets the victim's needs. The relevant bodies will not be able to recommend the CPS take action, as it operates independently under the superintendence of the Attorney General and must make decisions in accordance with the Code for Crown Prosecutors.

Responding to the victim

The 2014 Act places a duty on the relevant bodies to respond to the applicant at particular points in the process. These include when:

- the decision as to whether or not the threshold is met;
- the outcome of the review is decided; and

- any recommendations are made as an outcome of the review.

The relevant bodies may wish to provide the victim with a suitable contact for their ease of communication about the progress of the review.

The relevant bodies should agree as part of the procedure whether one agency will communicate with all victims, or whether an appropriate agency will lead in a specific case. In some instances, people who make use of the ASB Case Review procedure may feel that they have previously been let down by agencies, so it is important that they receive timely and consistent communication regarding their case.

When communicating with victims, local agencies should consider victim support issues, including considering any existing vulnerabilities, and whether they could benefit from being signposted or referred to local victims' services.

Publishing data requirements:

The legislation states that relevant bodies must publish information covering:

- **the number of applications for the ASB Case Review received;**
- **the number of times the threshold for review was not met;**
- **the number of ASB Case Review case reviews carried out; and**
- **the number of ASB Case Review case reviews that resulted in recommendations being made.**

This data can represent the whole area; it does not need to be broken down by relevant body. One relevant body can publish the information on behalf of all the relevant bodies in the area.

This is a statutory requirement which all relevant bodies must adhere to. The data must be published at least every twelve months, although the relevant bodies may wish to publish data more frequently, or to publish additional details. For example, the relevant bodies may publish information about which area applications came from, or the agencies that they related to, if this information is useful to communities and victims. Published information must not include details which could identify victims.

Hate Crime

In England and Wales, the National Police Chiefs' Council and Crown Prosecution Service define hate crime as *“any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.”*

Any criminal offence can be prosecuted as hate crimes when immediately, before, during or after the offence was committed, the offender demonstrated hostility towards the victim based upon the victim's actual or perceived race, religion, sexual orientation, disability, or transgender identity, or where the offence was motivated by such hostility.

Hate crime may initially manifest itself as anti-social behaviour, but upon investigation are found to have targeted an intrinsic part of the victim's identity (their race, religion, sexual orientation, disability and/or transgender identity). A successful hate crime prosecution where evidence of hostility is accepted by the court will attract an increased sentence from the court.

Hate crime law in England and Wales spans four pieces of legislation:

- I. Aggravated Offences (sections 28 to 32 Crime and Disorder Act 1998) cover race and religion and mirror certain non-hate crime equivalent offences (that is: assault, criminal damage, public order offences or harassment) but with higher maximum sentences. An offender is charged with these (e.g. 'racially-aggravated assault'), instead of non-hate crime versions, where there is proof of racial or religious hostility on the part of the offender;
- II. Sentencing uplifts (section 66 Sentencing Act 2020) cover all five protected characteristics but only provide a court with direction to impose more severe penalties within the existing maximum sentence thresholds for the underlying non-hate crime (e.g. an uplift may be added to a 'standard' criminal damage sentence), where there is evidence of hostility. The underlying offence convicted for would still be a non-hate crime;
- III. Stirring Up Offences (sections 17 to 29N Public Order Act 1986) criminalise the use of threatening (or in the case of racist hatred, at least 'abusive or insulting') words or behaviour, or the display of written material which is threatening (or in the case of race, abusive or insulting). Whilst these provisions cover race, religion and sexual orientation, the latter two require a higher threshold for prosecution;
- IV. Indecent/racist chanting at football matches (under section 3 Football (Offences) Act 1991). This relates to chanting which is threatening, abusive, or insulting by reason of race, citizenship, ethnic or national origins.

There is extensive guidance on responding to hate crime in the College of Policing Hate Crime Operational Guidance, which can be viewed along with other resources on the police hate crime website True Vision (www.report-it.org.uk). In addition, the CPS hate crime home page (<https://www.cps.gov.uk/crime-info/hate-crime>) provides relevant policy and guidance as well as helpful information for victims and performance data.

Non-Crime Hate Incidents (NCHIs):

Not every incident reported to the police amounts to a crime. A non-crime hate incident (NCHI) may be recorded where it is established that a criminal offence has not taken place but an incident is motivated by hostility or prejudice towards any of the five protected hate crime characteristics listed in this guidance.

On 13 March 2023, under provisions set out in the Police, Crime, and Sentencing Act 2022, the Home Secretary laid before Parliament the Non-Crime Hate Incidents Draft Code of Practice on the Recording and Retention of Personal Data. The draft code and relevant accompanying documents can be found [here](#). Once in effect, the code will apply to police forces in England and Wales, and will ensure that the right to freedom of expression is better protected.

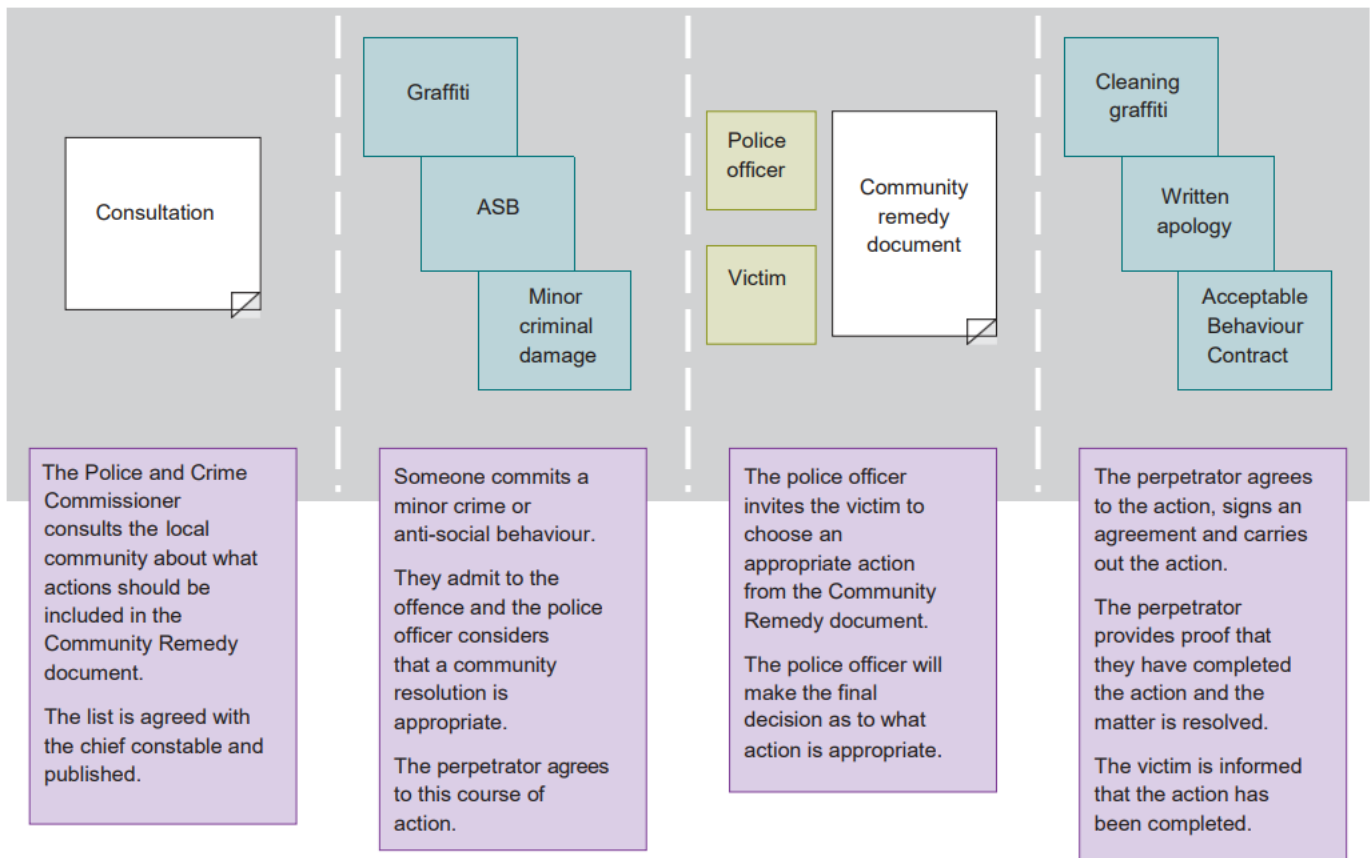
This statutory code will be subject to the affirmative procedure, meaning that Parliament has to actively approve the code. The code will enter into force 31 days after Parliamentary approval is obtained.

The College of Policing will update operational guidance on NCHI recording for forces once the statutory code is approved by Parliament.

1.2 Community Remedy

Purpose	To give victims a say in the out-of-court punishment of perpetrators of less serious crime and anti-social behaviour, including allowing them to consider a restorative justice approach.
The Community Remedy document	<p>The Community Remedy document is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.</p> <p>The Act places a duty on the Police and Crime Commissioner or Policing Body to consult with members of the public and community representatives on what punitive, reparative, or rehabilitative actions they would consider appropriate to be on the Community Remedy document.</p>
Applicants / who can use the Community Remedy	<ul style="list-style-type: none"> • Police officer; • An investigating officer (which can include Police Community Support Officers for certain offences, if designated the power by their chief constable); • A person authorised by a relevant prosecutor for conditional cautions or youth conditional cautions.
Community resolutions	When dealing with anti-social behaviour or less serious offences through a community resolution, the police officer may use the Community Remedy document to engage the victim in having a say in the punishment of the perpetrator.
Test	<ul style="list-style-type: none"> • The officer must have evidence that the person has engaged in anti-social behaviour or committed an offence; • The person must admit to the behaviour or the offence (and agree to participate); • The officer must think that the evidence is enough for court proceedings including for a civil injunction, or impose a caution, but considers that a community resolution would be more appropriate.
Conditional cautions	The Community Remedy document should be considered when it is proposed that a perpetrator be given a conditional caution or youth conditional caution as a means of consulting the victim about the possible conditions to be attached to the caution.
Failure to comply	If the perpetrator fails to comply with a conditional caution or youth conditional caution, they can face court action for the offence.
The legislation	Sections 101 to 103 of the Anti-social Behaviour, Crime and Policing Act 2014.

Community Remedy



Purpose

All Police and Crime Commissioners, and the Mayor's Office for Policing and Crime in London, must have a Community Remedy document in place to set out how victims of anti-social behaviour and less serious crime can have a say in the punishment of perpetrators who receive an 'out of court' disposal; that is, a community resolution, conditional caution, or youth conditional caution. Where a conditional caution or youth conditional caution is given, the Community Remedy provides a means of consulting the victim about possible conditions to be attached to the caution.

The Community Remedy document

The Community Remedy document is a list of actions that the victim will be invited to choose from when a community resolution is to be used. The list of actions may vary from one police force to another, based on what is available in the area and what the Police and Crime Commissioner and chief constable agree is appropriate. The Community Remedy document must be published. They should consider providing this to the local Community Safety Partnership and the local agencies responsible for preventing and tackling anti-social behaviour. It is also good practice for Police and Crime Commissioners to ensure that the public are aware of the document.

Consultation

The Police and Crime Commissioner (and Mayor's Office for Policing and Crime in London) must consult on the actions to be included in the Community Remedy document with:

- members of the public;
- whichever community representatives the Police and Crime Commissioner considers appropriate to consult;
- the relevant local authority; and
- the chief officer of police for the area.

It is recommended that Community Safety Partnerships are also consulted to utilise their local expertise and knowledge on anti-social behaviour and criminal issues.

The public consultation may be undertaken in whatever format the Police and Crime Commissioner considers appropriate (for example, online consultation, talking to community groups or local victims' groups, via local newspapers etc.) and may be undertaken as part of another consultation such as on the local Police and Crime Plan. The Community Remedy document may be revised at any time, particularly when new options are to be added.

Actions to be included in the Community Remedy document

The Police and Crime Commissioner and the chief constable will agree the actions that are listed in the Community Remedy document. These actions must be appropriate and proportionate to the types of offences for which community resolutions are used and seek to have a positive impact on the perpetrator. Each of the actions must have:

- a punitive element, reflecting the effects on the victim and the wider community; or
- a reparative element, to provide appropriate restitution/reparation to the victim; or
- a rehabilitative element, to address the causes of the perpetrator's behaviour; or
- a combination of the above.

What could be included?

The legislation does not specify what actions should be included in the Community Remedy document. These will vary between areas, reflecting the views of local people and the availability of activities. Examples of actions that might be included are:

- mediation (for example, to resolve a neighbour dispute);
- cleaning graffiti or other damage (either their own or others);
- a written or verbal apology;
- the perpetrator signing an Acceptable Behaviour Contract – where they agree not to behave anti-socially in the future – or face more formal consequences;
- take part in a restorative justice activity (see below);
- paying an appropriate amount for damage to be repaired or stolen property to be replaced;
- participation in structured activities that are either educational or rehabilitative, funded by the Police and Crime Commissioner as part of their efforts to reduce crime; or

Community Resolutions

Community resolutions are a means of resolving less serious offences or instances of anti-social behaviour. They are used where the perpetrator has been identified and admits to the behaviour or offence in question and the police believe that there is sufficient evidence to obtain a civil injunction or other disposal but consider that a community resolution would be a more appropriate and proportionate response.

Community resolutions can be used by:

- a police officer;
- an investigating officer (a person employed by a police force or a Police and Crime Commissioner's office or who is under the direction and control of the chief officer and has been designated as an investigating officer); or
- a police community support officer in relation to offences which their chief constable has designated them powers to deal with or more generally on the authority of a police officer of appropriate rank.

Using the community remedy document with community resolutions

When a community resolution is used, the officer must make a reasonable effort to obtain the views of the victim on whether the perpetrator should carry out any of the actions in the Community Remedy document. If the officer considers that the action chosen by the victim is appropriate, the perpetrator should be asked to carry out that action. The officer will have

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ultimate responsibility for ensuring that the action offered is appropriate and proportionate to the nature of the anti-social behaviour or the offence committed. Where there are multiple victims, the officer should make reasonable efforts to take the views of all victims into account.

Community resolutions are entirely voluntary. The officer should ensure that the victim understands the purpose of community resolutions and that he or she knows that they can choose not to be involved. This will help to ensure the victim has realistic expectations of what can be achieved. For example, the resolution may not be legally enforceable if the perpetrator fails to complete the agreed action.

Putting victims first: The Community Remedy gives victims more say in the out of court punishment of perpetrators. However, the victim's involvement is voluntary, and they must not be made to feel that they should take part in a process that they are not comfortable with, that they think may put them at risk, or that they do not believe will be of benefit to them.

When using the Community Remedy, the officer should consider the most appropriate way to involve the victim. If the victim is under 18 or vulnerable, they may require a family member or carer to assist their understanding of the purpose of community resolutions and choose an action from the Community Remedy document.

If the victim is not contactable, or it cannot be ascertained who the victim is, for example, if the offence is graffiti in a public place, the officer may choose an appropriate action for the perpetrator to undertake.

Conditional caution and youth conditional caution

When a conditional caution or a youth conditional caution is used, the officer or authorised person must make reasonable efforts to obtain the views of the victim as to whether the perpetrator should carry out any of the actions listed in the Community Remedy document. If the officer issuing the conditional caution considers that the action chosen by the victim is appropriate, the action can form part of the conditions of the caution. The police officer or investigating officer (or prosecutor in some cases) will have ultimate responsibility for ensuring that the sanction offered to the perpetrator is appropriate and proportionate to the offence. If there are multiple victims, the officer must make reasonable efforts to take the views of all the victims into account.

Conditional cautions are available for all offences apart from domestic abuse and hate crime. In these cases, conditional cautions may only be used in exceptional circumstances with explicit clearance from CPS due to the potential impact and serious nature of such offending (see CPS Guidance on Out of Court Disposals in Hate Crime and Domestic Abuse Cases). A youth conditional caution is available for any offence, except for domestic violence or hate crimes where they must score 3 or less on the gravity matrix to be eligible for a conditional caution².

What is Restorative Justice?

- Restorative Justice is a process that brings those harmed, and those responsible for the harm, into communication. It enables everyone affected by a particular incident to play a part in repairing the harm which can be valuable in finding a positive way forward. The communication may take many forms, for some this may mean meeting the person(s) causing the harm face-to-face, for others, this could be communicating via letter, recorded interviews or videos.
- Whichever form of Restorative Justice is most appropriate, trained facilitators should be used to prepare and support the process throughout.
- Restorative Justice is voluntary for all parties and it must be agreed by all involved, including facilitators, that it is safe and appropriate to proceed. It will only happen if all parties, having acknowledged the basic facts of the case, want to take part. No-one has to take part and they can withdraw at any time. They can ask to participate in Restorative Justice at a time that is right for them.
- Access to high quality restorative justice services in an area is best done via PCCs. The APCC provide the relevant contact information.

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² Full details can be found in the Ministry of Justice Code of practice for youth conditional cautions:
<https://www.gov.uk/government/publications/code-of-practice-for-youth-conditional-cautions>

³ Find your PCC: <https://apccs.police.uk/find-your-pcc/>

Part 2: More effective powers

The powers for dealing with anti-social behaviour provided by the Anti-social Behaviour, Crime and Policing Act 2014 are deliberately flexible to allow professionals to work collaboratively and use them to protect the public from different forms of anti-social behaviour.

Working together and sharing information

The powers allow the police, councils, social landlords and other agencies to deal quickly with issues as they arise, with agencies working together to ensure the best results for victims and the wider public. To assist joined-up working, an effective information-sharing protocol is essential. There is already a duty on some bodies (such as the police and councils) to work together and in respect of anti-social behaviour specifically, there is a specific duty on specified bodies to work together when the ASB Case Review is activated, as set out earlier in this guidance.

Where action is taken to address anti-social behaviour that is related to the supply or use of drugs in a public space, agencies may want to align with [From Harm to Hope](#), the government's 10-year plan for addressing drugs, published in 2021.

Problem-solving policing is an approach that should be considered by police when tackling anti-social behaviour. Problem-solving policing uses the SARA (scanning, analysis, response, assessment) model of problem solving.

- **Scanning**

This involves identifying persistent problems that cause harm and call for police attention. The purpose of scanning is to home in on a specific problem that affects the community and that the police can do something to address.

- **Analysis**

At this stage, police should understand how the problem is trending, where and when it is most concentrated and the harm it generates. The next step is to explore further to identify the causes and conditions that enable your problem to persist. Effective problem analysis is about analysing a problem to identify so-called pinch points. These are causes and conditions that contribute to a problem and are open to preventive intervention by the police and partners. The goal of problem analysis is therefore to help you identify an appropriate and effective response that is based on those pinch points and can be delivered within the resources of your organisation.

- **Response**

Effective problem solving relies on a commitment to select responses that make sense, given what you have learned from your local scanning and analysis. Knowing an intervention's track record of successful or unsuccessful use is important. When embarking on any problem-solving project, it is useful to find out what has been tried previously to address similar problems, and to what effect.

- **Assessment**

Assessment forms the final stage of the SARA problem-solving process. It's evaluation to determine whether the response has worked as intended and whether the problem has been removed, reduced or unintentionally aggravated. Effective assessment will help to determine whether a problem persists following the implementation of responses and understanding your problem-solving efforts can inform your future work and contribute to the wider evidence base about what is and is not effective in your problem

Vulnerabilities

The powers also strengthen the protection to victims and communities and provide fast and effective responses to deal with anti-social behaviour. Particular consideration should be given to the needs and circumstances of the most vulnerable when applying the powers to ensure that they are not disproportionately and unreasonably impacted upon, and local agencies must be satisfied that the behaviour meets the legal tests. Any use of these powers must be compliant with the Human Rights Act 1998, the Equality Act 2010 (in particular the public sector equality duty pursuant to section 149) along with all other relevant legislation.

All plans and services should be designed around the needs and preferences of local residents, rather than systems or processes, taking account of the wider context of people's lives – as part of relationships, families and neighbourhoods. Where there are multiple needs for a person or in a family, there should be a support from a range of services, including healthcare, to assess their needs, develop a shared care plan and consider the role of the 'lead practitioner' – someone who acts as a single, consistent and trusted point of contact throughout someone's journey.

Assessing the risk to victims

It is good practice for agencies to assess the risk of harm to the victim(s), and any potential vulnerabilities, when they receive a complaint about anti-social behaviour. This should be the starting point of a case-management approach to dealing with anti-social complaints. The welfare, safety and well-being of victims must be the main consideration at every stage of the process. It is therefore important to identify the effect that the reported anti-social behaviour is having on the victim(s), particularly if repeated incidents are having a cumulative effect on their mental or physical well-being. A continuous and organised risk assessment will help to identify cases that are causing, or could result in, serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of anti-social behaviour against the victim(s).

Early and informal interventions

Early intervention, especially through informal approaches, may often be all that is necessary to stop incidents of anti-social behaviour. Such interventions can establish clear standards of behaviour and reinforce the message that anti-social behaviour is not tolerated. In many cases, awareness of the impact of the behaviour on victims, and the threat of more formal enforcement, may be sufficient to encourage an individual to change their behaviour. Frontline professionals will be best placed to decide when and how to use these approaches, but it is recommended that the use of informal methods be considered first in most cases, and particularly when dealing with young people as a means of preventing poor behaviour from escalating.

It is, however, the case that informal intervention may not be the appropriate first step in the circumstances of some cases. Such as where the victim is at risk of harm, and it is right that frontline professionals make informed decisions about the best approach.

Possible informal interventions may include:

- **A verbal or written warning**

In deciding whether to use a verbal or written warning, the police, council, or housing officer should still be satisfied that there is evidence that anti-social behaviour 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 non-compliance.

Where appropriate, local agencies should alert each other when a warning has been given so that it can be effectively monitored, and a record should be kept so that it can be used as evidence in court proceedings later, if matters are taken to that stage.

- **A community resolution**

Community resolutions are a means of resolving less serious offences or instances of anti-social behaviour through informal agreement between the parties involved as opposed to progression through the criminal justice process. A community resolution may be used with both youth and adult perpetrators and allows the police to deal more proportionately with less serious crime and anti-social behaviour, taking account of the needs of the victim, the perpetrator, and the wider community.

Community resolutions are primarily aimed at first time perpetrators where genuine remorse has been expressed, and where an out-of-court disposal is more appropriate than taking more formal action. The Community Remedy document discussed in Part 1 of this guidance must be used when dealing with anti-social behaviour or less serious offences out of court through community resolutions.

- **Mediation**

In appropriate circumstances, mediation can be an effective way of resolving an issue by bringing all parties together. This can be effective in resolving neighbour disputes, family conflicts, lifestyle differences such as noise nuisance complaints and similar situations. However, mediation is unlikely to work if forced on those involved. All parties should be willing to come to the table and discuss their issues, with necessary support offered to those who are deemed to be vulnerable, but still want to attend.

It is not for the mediator to establish a solution to the issue as, in most cases, they will have already tried this with each party unsuccessfully. For mediation to deliver long-term solutions, those in dispute should agree a solution. The mediator should facilitate the conversation and draw up any agreement if required for all parties to sign-up to if agreement is reached.

- **Acceptable Behaviour Contracts/Agreements**

An acceptable behaviour contract or agreement is a written agreement between a perpetrator of anti-social behaviour and the agency or agencies acting locally to prevent

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that behaviour. It can be an effective way of dealing with anti-social individuals, and particularly young people, to stop the problem behaviour before it escalates. They provide an opportunity to include positive requirements as well as prohibitions to help support the person tackle any underlying issues which are driving their behaviour.

The terms of an acceptable behaviour contract or agreement should be discussed with the perpetrator before they are drafted and signed to help encourage compliance. However, there is no formal sanction associated with refusing to sign, although in such circumstances, this may suggest that a Civil Injunction or a Criminal Behaviour Order might be the more appropriate approach.

Similarly, there are no formal sanctions associated with breaching an acceptable behaviour contract or agreement, and where this occurs, consideration can be given to taking further steps, such as seeking a Civil Injunction, if the circumstances warrant this. Where this is the case, the work undertaken as part of drafting the acceptable behaviour contract or agreement can form part of the evidence pack for the court.

- **Parenting contracts**

Where informal interventions are used with a young person under 18, his or her parents or guardians should be contacted in advance of the decision to take action. In many cases, they may be able to play an important part in ensuring the individual changes their behaviour. While there are formal routes such as parenting orders, at this stage it may be appropriate to include a role for the parent in any acceptable behaviour contract.

However, where the behaviour of the parent or guardian is part of the issue (either because they are a bad influence or are failing to provide suitable supervision) agencies could consider a parenting contract. These are like an acceptable behaviour contract but are signed by the parent or guardian. They could also be considered where the child in question is under 10 and where other interventions are not appropriate for the perpetrator themselves.

- **Support and counselling**

The anti-social behaviour powers allow professionals to respond to the underlying causes of anti-social behaviour, for example through positive requirements attached to a Civil Injunction or Criminal Behaviour Order. However, providing positive support does not have to wait for formal court action, and can be given as part of any informal intervention, for example by providing support around overcoming substance misuse or alcohol dependency that may be linked to the person's anti-social behaviour.

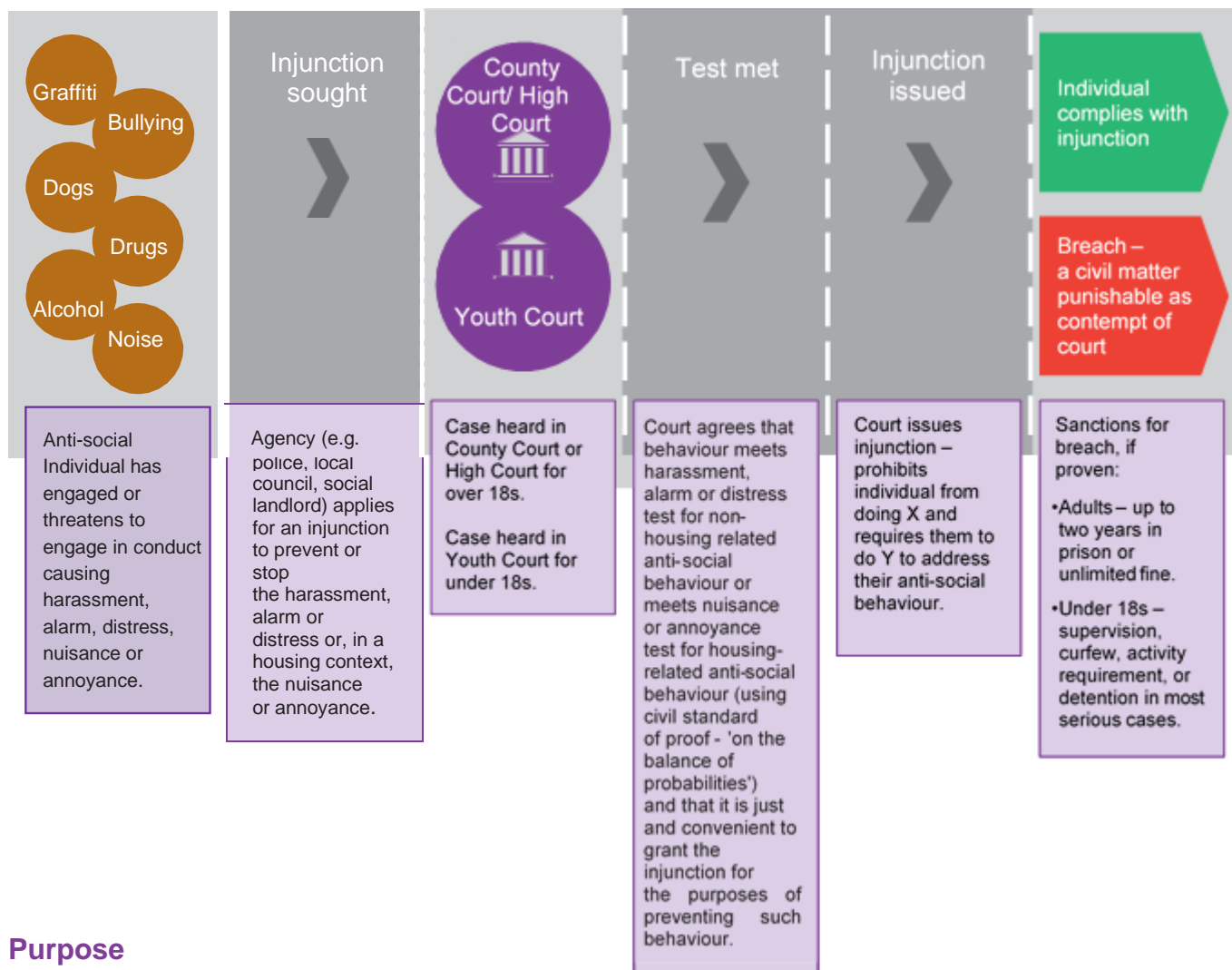
Conclusion

In many cases, informal and early intervention can be successful in changing behaviour and protecting communities. Such interventions may be included in local plans to deal with anti-social behaviour but should not replace formal interventions where these are the most effective means of dealing with anti-social behaviour.

2.1 Civil Injunction

Purpose	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.
Applicants	<ul style="list-style-type: none"> • Local councils; • Social landlords; • Police (including British Transport Police); • Transport for London; West Midlands Combined Authority; Transport for Greater Manchester; • Environment Agency and Natural Resources Wales; and • NHS Counter Fraud Authority.
Test	<p>On the balance of probabilities;</p> <ul style="list-style-type: none"> • The respondent has engaged in or threatens to engage in; • Conduct that has or is likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or • Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and • Just and convenient to grant the injunction to prevent anti-social behaviour.
Details	<ul style="list-style-type: none"> • Issued by the county court and High Court for over 18s and the youth court for under 18s. • Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour. • Agencies must consult youth offending teams in applications against under 18s.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond a reasonable doubt. • Over 18s: civil contempt of court with unlimited fine or up to two years in prison. • Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.
Appeals	<ul style="list-style-type: none"> • Over 18s to the High Court; and • Under 18s to the Crown Court.
The legislation	Sections 1 to 21 of the Anti-social Behaviour, Crime and Policing Act 2014.

Civil Injunction



Purpose

The injunction under Part 1 of the 2014 Act is a civil power to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

Although the injunction is a civil power, it is a formal sanction and in appropriate cases professionals will want to consider whether an informal approach might be preferable before resorting to court action, especially in the case of under 18s. However, where informal approaches have not worked or professionals decide that a formal response is needed, they are free to apply to the court for a civil injunction.

Who can apply for an injunction?

A number of agencies can apply for the injunction, which ensures that the body best placed to lead on a specific case can do so.

The agencies who can apply for an injunction are:

- a local council;

- a housing provider;
- the chief officer of police in England & Wales;
- the chief constable of the British Transport Police;
- Transport for London;
- West Midlands Combined Authority⁴;
- Transport for Greater Manchester⁵;
- the Environment Agency and Natural Resources Wales;
- the Secretary of State
- NHS Counter Fraud Authority
- the Welsh Ministers.

The legal tests for granting an injunction

There are two conditions to meet in order to grant an injunction.

The first is that the Court is satisfied on the balance of probabilities that the Respondent engaged or threatened to engage in anti-social behaviour. The second condition is that it is just and convenient to grant the injunction for the purpose of preventing the Respondent from engaging in anti-social behaviour.

Anti-social behaviour is defined as:

- **non-housing related**

Anti-social behaviour in a non-housing related context is that the conduct concerned has caused, or is likely to cause, harassment, alarm, or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre, shopping mall, or local park, and where the behaviour does not affect the housing management functions of a social landlord or people in their homes.

- **housing-related**

Anti-social behaviour in a housing context is conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or conduct capable of causing housing-related nuisance or annoyance to any person. Only social landlords, local councils or the police are able to apply for an injunction under these provisions. In the case of social landlords only, "housing-related" means directly or indirectly relating to their housing management function.

The injunction can be applied for by the police, local councils and social landlords against perpetrators in social housing, the private-rented sector and owner-occupiers. This means that it can be used against perpetrators who are not necessarily tenants of the social landlord applying for the order.

The injunction can also be used in situations where the perpetrator has allowed another person to engage in anti-social behaviour, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person, such as a visitor or

⁴ The West Midlands Combined Authority (Functions and Amendment) Order 2017

⁵ The Anti-social Behaviour, Crime and Policing Act 2014 (Amendment) Order 2019

lodger, is or has been behaving anti- socially, the injunction could be used against the problem visitor, lodger or owner if applicable. An agency seeking to apply for the injunction must produce evidence to the civil standard of proof, that is, 'on the balance of probabilities', and satisfy the court that it is both 'just and convenient' to grant the order.

Putting victims first: In deciding whether the individual's conduct has caused or is likely to cause harassment, alarm or distress or is capable of causing nuisance or annoyance, agencies should contact all potential victims and witnesses to understand the wider harm to individuals and the community. Not only will this ensure that victims and communities feel that their problem is being taken seriously, it will also aid the evidence-gathering process for the application to the court.

Details

Who can the injunction be issued against? A court may grant the injunction against anyone who is 10 years of age or over. Applications against individuals who are 18 years of age or over must be made in the county court or High Court, and applications against individuals who are under 18 must be made in the youth court.

Intergenerational or 'mixed aged' cases: Where a hearing involves more than one individual and involves both over 18s and under 18s, the applicant can apply to the youth court to have the cases heard together as joint hearings. The youth court must find that it is in the interests of justice to hear the 'mixed aged' case and, if it does so, the case can only be heard in that court – the joint hearing cannot be heard in the county court. However, subsequent hearings (breach etc.) involving individuals over 18 will take place in the county court.

Dealing with young people: Applicants must consult the local youth offending team if the application is against someone under the age of 18 and inform any other body or individual the applicant thinks appropriate, for example, a youth charity that is already working with the young person. Although the consultation requirement does not mean that the youth offending team can veto the application, it is important that applicants fully consider and take into account representations from the youth offending team as part of developing good partnership working in cases involving young people.

The youth offending team will be important in getting the young person to adhere to the conditions in the injunction and that they are understood. The conditions will be overseen by a responsible officer in the youth offending team or children and family services. The youth offending team will also work with applicants as part of a multi-agency approach to ensure that positive requirements in the injunction are tailored to the needs of the young person.

When can injunctions be used? The injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities in both housing-related and non-housing related situations. This includes vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying. Injunctions should not be used to stop reasonable, trivial or benign behaviour that has not caused, or is not likely to cause, anti-social behaviour to victims

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or communities, and potential applicants are encouraged to make reasonable and proportionate judgements about the appropriateness of the proposed response before making an application for an injunction.

The Civil Injunction can also be used to tackle gang related activity, either directly on gang members or on those being exploited by gangs in order to disrupt their operations. This can be particularly useful in cases of 'county lines' where urban gangs exploit children and vulnerable people to move drugs and money to suburban areas and market and coastal towns. In such cases, the conditions of the injunction can include prohibitions on entering certain areas or affiliating with certain individuals. They could also include positive requirements such as engaging in drug treatment if the reason they became involved with, and remain indebted to, the gang is because of a drug dependency.

Applicants should also consider consulting the relevant local authority as they may hold information which is of relevance and/or which may need to be considered as part of the application. For example, a young person may be a child in need or on a child protection plan and additional safeguarding measures may be required. The local authority may also hold information which supports the application.

It is recommended that prior to applying for an injunction, applicants undertake a risk assessment of the potential respondent after consulting with any other appropriate bodies. Preparation of a local plan should be considered which identifies the relevant local bodies (including the courts) engaged in the risk assessment and prevention of anti-social behaviour and also the provision of assistance, support and treatment to those who are believed to be engaging in such behaviour. Consideration should also be given to how these bodies are to liaise before any application to the court for an injunction

What to include: The injunction will include relevant prohibitions to get individuals to stop behaving anti-socially. It can also include positive requirements to get the individual to deal with the underlying cause of their behaviour. Agencies will have the discretion to tailor the positive requirements in each case to address the respondent's individual circumstances, behaviour and needs. There may be opportunities to work with voluntary sector organisations.

Positive requirements might, for example, include the respondent:

- attending alcohol awareness classes for alcohol-related problems;
- attending dog training classes provided by animal welfare charities where the issue is to do with irresponsible dog ownership; or
- attending mediation sessions with neighbours or victims.

The prohibitions or requirements in the injunction must be reasonable and must not, so far as practicable:

- interfere with the times, if any, at which the respondent normally works or attends school or any other educational establishment; or

- conflict with the requirements of any other court order or injunction to which the respondent may be subject.

In addition, applicants should also consider the impact on any caring responsibilities the perpetrator may have and, if they have a disability, whether he or she can comply with the proposed prohibitions or requirements.

A draft of the proposed terms of the injunction should include all proposed prohibitions and requirements, their duration and any powers of arrest attached. Applicants will need to be prepared for the court to examine each prohibition and requirement and will need to be able to prove how each will help stop or prevent the respondent from engaging in or threatening to engage in anti-social behaviour in the future. It is also important that any requirement is clear about who is responsible for supervising compliance and the court must receive evidence about its suitability and enforceability. Where two or more requirements are included the court must consider their compatibility with each other.

Putting victims first: Keeping victims and communities updated on enforcement action at key points can help them to deal with the impact the behaviour is having. Victims may feel that their complaint has been ignored if they do not see changes to the behaviour. Letting victims know what is happening can make a big difference.

Duration of injunctions: Prohibitions or requirements in the injunction can be for a fixed or indefinite period for adult perpetrators. In the case of under 18s the prohibitions or requirements must have a specified time limit, with a maximum term of 12 months.

Exclusion from the home: The court may exclude a perpetrator over the age of 18 from any premises or an area specified within the terms of the injunction. This can include their home, where the court thinks that the anti-social behaviour includes the use, or threatened use, of violence against other persons, or there is a significant risk of harm. The word harm is defined in section 20 of the legislation as including “serious ill-treatment or abuse, whether physical or not” – which means that it could include emotional or psychological harm, such as harassment or racial abuse.

Social landlords will only be able to apply to the court to exclude their own tenants and visitors to properties managed by them, whilst councils and the police will be the lead agencies in applying to exclude private tenants or owner-occupiers from their homes. In cases where the police or local council is the lead agency in an application to exclude a social tenant, they should consult the landlord. If the exclusion is applied to someone in privately rented accommodation or in residential leasehold housing, the police or council should, where circumstances permit, inform and consult the landlord (generally referred to in the leasehold as the freeholder) beforehand.

We do not expect the power of exclusion to be used often and the court will pay special attention to issues of proportionality. As such, applications should only be made for exclusion in extreme cases that meet the higher threshold set out above.

Publicising an injunction issued to a young person: Making the public aware of the perpetrator and the terms of the order can be an important part of the process in dealing with anti-social behaviour and providing reassurance to victims, as well as providing the information people need to identify and report breaches. The decision to publicise the injunction will be taken by the police or council unless the court has made a section 39 order (Children and Young Persons Act 1933) prohibiting publication. When deciding whether to publicise the injunction, public authorities (including the courts) must consider that it is necessary and proportionate to interfere with the young person's right to privacy, and the likely impact on a young person's behaviour. This will need to be balanced against the need to provide re-assurance to the victims and the wider community as well as providing information so that they can report any breaches. Each case should be decided carefully on its own facts.

'Without notice' applications: Injunctions can be applied for 'without notice' being given to the perpetrator in exceptional cases to stop serious harm to victims. They should not be made routinely or in place of inadequate preparation for normal 'with notice' applications.

The notification and consultation requirements that apply to 'with notice' applications do not apply to 'without notice' applications.

Interim injunctions: The court will grant an interim injunction if a 'without notice' application is successful. The court may also grant an interim injunction where a standard application is adjourned. The interim injunction can only include prohibitions, not positive requirements. When applying for an interim injunction, the applicant should ensure that the application presents the victim's case and also why the interim injunction is necessary.

Variation and discharge of injunctions: The court has the power to vary or discharge the injunction upon application by either the perpetrator or the applicant. If the applicant wishes to discharge or vary the injunction, they should notify the people and organisations they consulted as part of the initial application process. Applicants may consider applying to vary the injunction in response to changes in the respondent's behaviour. The powers of the court to vary the injunction include:

- to remove a prohibition or requirement in the injunction;
- to include a prohibition or requirement in the injunction;
- to reduce the period for which a prohibition or requirement has effect;
- to extend the period for which a prohibition or requirement has effect; or
- to attach a power of arrest or extend the period for which a power of arrest has effect.

If the court dismisses an application to vary the injunction, the relevant party is not allowed to make a further application without the consent of the court or the agreement of the other party.

Power of arrest: The court can attach a power of arrest to any prohibition or requirement in the injunction, except a positive requirement, that is, a requirement that the respondent participates in a particular activity. The court can only attach a power of arrest if:

- the anti-social behaviour in which the respondent has engaged, or threatens to engage, consists of or includes the use, or threatened use, of violence against other persons; or
- there is a significant risk of harm to other persons from the respondent.

If the applicant believes a power of arrest is appropriate, they should present this by way of written evidence. Such evidence may indicate that the respondent poses a high level of risk to the victim or the community should any of the conditions in the injunction be breached, for example, where there is a history of violent behaviour.

Where a power of arrest is attached to a condition of the injunction, a police officer can arrest the respondent without warrant if he or she has reasonable cause to believe that a breach has occurred. The police must present the respondent to court within 24 hours of their arrest (except on Sunday, Christmas Day and Good Friday).

If the applicant thinks that the respondent has breached a term of the injunction to which a power of arrest has not been attached, they may apply to the court for an arrest warrant. The application must be made to a judge in the county court in the case of an adult and a justice of the peace in the case of respondents below the age of 18. The court may then issue a warrant for the respondent's arrest and to be brought before the court but only if it has reasonable grounds for believing the respondent has breached a provision in the injunction. The police must inform the applicant when the respondent is arrested.

Hearsay evidence: Hearsay and professional witness evidence allow for the identities of those who are unable to give evidence due to fear or intimidation, to be protected. This is especially important as cases can involve anti-social behaviour in residential areas where local people and those targeted by the behaviour may feel unable to come forward for fear of reprisals. Hearsay evidence could be provided by a police officer, healthcare official, or any other professional who has interviewed the witness directly.

Penalty on breach: Breach of the injunction is not a criminal offence. However, due to the potential severity of the penalties which the court can impose on respondents, the criminal standard of proof – 'beyond reasonable doubt' – is applied in breach proceedings.

For adults, breach is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. The imprisonment is for contempt of court, not for the conduct. For under 18s, breach proceedings are dealt with in the youth court and could result in a supervision order with a supervision, curfew or activity requirement. In the most serious cases, (that is, 'where the court determines that because of the severity or extent of the breach no other power available to it is appropriate') the court may impose a detention order on a young person for breaching the terms of the injunction, including breach of a positive requirement. For under 18s, only those between 14 and 17 years of age can be detained for breaching the injunction and they cannot be detained for longer than three months.

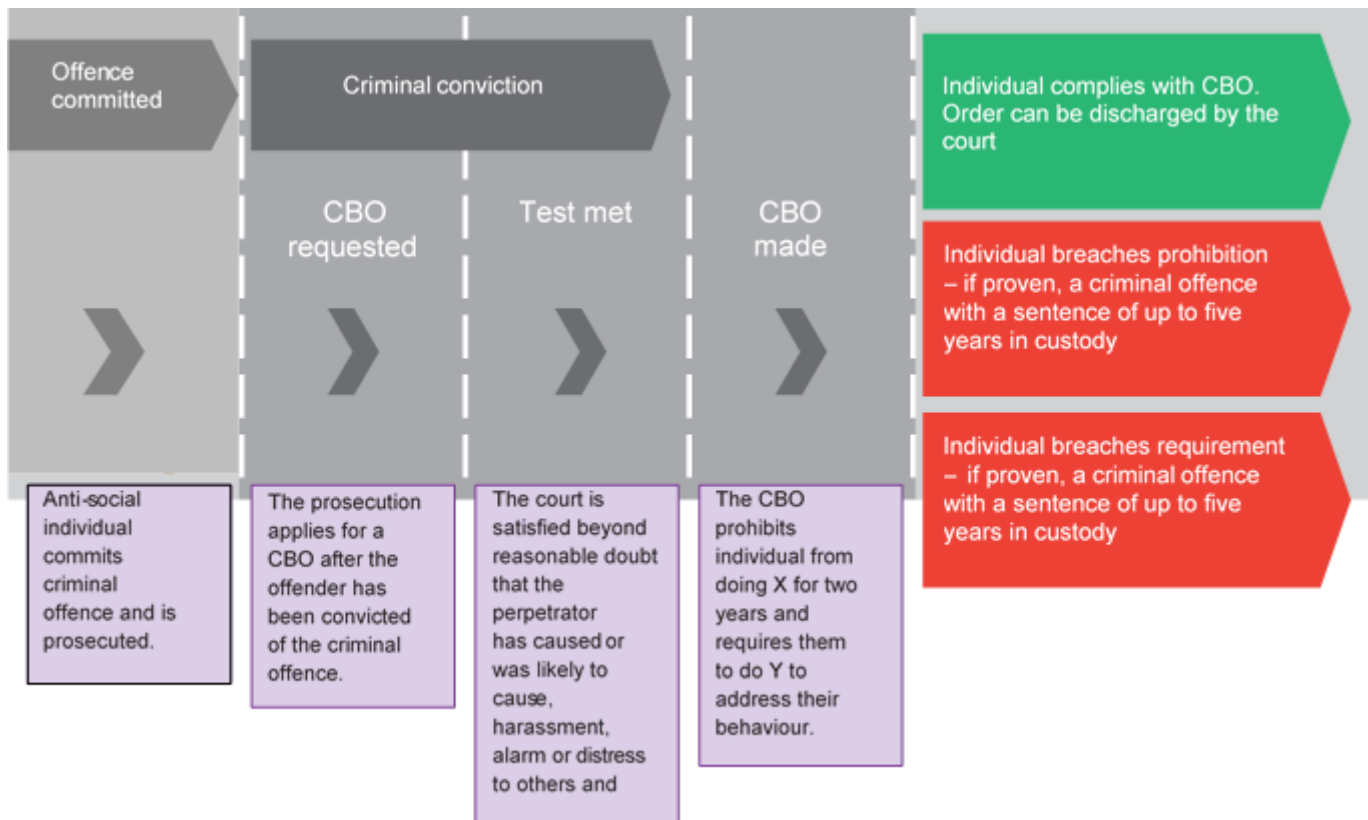
Remands: The court has the power to remand a perpetrator in custody or on bail after they have been arrested for suspected breach of the injunction (with or without warrant). An under 18 can only be remanded in custody on medical grounds, that is, after obtaining evidence from a registered medical practitioner the court is satisfied that the young person is suffering from a mental disorder and it would be impracticable to get a medical report for the young person if they were granted bail. The court has discretion as to whether to remand a person on bail or in custody.

Appeals: Appeals may be lodged by both the applicant and perpetrator following the grant, refusal, variation or discharge of the injunction. A decision by the county court (in the case of proceedings in respect of an adult) may be appealed to the High Court. Appeals against decisions of the youth court in under 18 cases are heard in the Crown Court.

2.2 Criminal Behaviour Order

Purpose	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
Applicants	The prosecution, in most cases the Crown Prosecution Service, either at its own initiative or following a request from the police or council.
Test	<ul style="list-style-type: none"> • That the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and • The court considers that making the order will help prevent the offender from engaging in such behaviour.
Details	<ul style="list-style-type: none"> • Issued by any criminal court on conviction for any criminal offence. • The anti-social behaviour does not need to be part of the criminal offence. • Order will include prohibitions to stop the anti-social behaviour but can also include positive requirements to get the offender to address the underlying causes of their behaviour. • Agencies must find out the view of the youth offending team for applications in respect of anybody under 18.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt. • For over 18s on summary conviction: up to six months imprisonment or a fine or both. • For over 18s on conviction on indictment: up to five years imprisonment or a fine or both. • For under 18s: the sentencing powers in the youth court apply.
Appeal	<ul style="list-style-type: none"> • Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court. • Appeals against orders made in the Crown Court lie to the Court of Appeal.
The legislation	Sections 330 to 342 of the Sentencing Code (which is a product of the Sentencing Act 2020 amends sections 22-33 and s.179(3) of the Anti-social Behaviour, Crime and Policing Act 2014).

Criminal Behaviour Order



Purpose

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The court may make a CBO so long as the court imposes a sentence in respect of the offence or discharges the offender conditionally. The order is intended for tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

Applicants: The prosecution may apply for a CBO after the offender has been convicted of a criminal offence. The prosecution can make such an application at its own initiative or following a request from a council or the police. The CBO hearing will occur after, or at the same time as, sentencing for the criminal conviction.

Good relationships between local agencies and the CPS will be important to ensure that the CBO application can be properly reviewed and notice of it served as soon as practicable, without waiting for the verdict in the criminal case. Agencies should consider setting up local information exchanges to make sure that the CBO is considered in appropriate cases where anti-social behaviour is brought before a criminal court.

The test: For a CBO to be made the court must be satisfied beyond reasonable doubt that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person and that making the order will help in preventing the offender from engaging in such behaviour.

Details

When can a Criminal Behaviour Order be used? The CBO can be used to deal with a wide range of anti-social behaviours following an individual's conviction for a criminal offence; for example, threatening others in the community, persistently being drunk and aggressive in public, or to deal with anti-social behaviour associated with a more serious conviction, such as for burglary or street robbery. The CBO can also be used to address the anti-social behaviour of gang members, for example to prevent them from affiliating with certain individuals or to require them to attend a job readiness course to help them get employment.

However, an application for a CBO does not require a link between the criminal behaviour which led to the conviction and the anti-social behaviour it addresses for it to be issued by the court. Agencies must make proportionate and reasonable judgements before applying for a CBO, and conditions of an order should not be designed to stop reasonable, trivial or benign behaviour that has not caused, or is unlikely to cause, harassment, alarm or distress to victims or communities.

An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the anti-social behaviour for it to be issued by the court.

Consultation: The only formal consultation requirement applies where an offender is under 18 years of age. In these cases, the prosecution must find out the views of the local youth offending team before applying for the CBO. The views of the youth offending team must be included in the file of evidence forwarded to the prosecution. In practice, the consultation with the youth offending team must be carried out by the organisation preparing the application for the CBO; that is, the council or the police.

The legislation (Part 2 of the 2014 Act) has deliberately kept formal consultation requirements to a minimum to enable agencies to act quickly where needed to protect victims and communities. However, in most cases it is likely that the police or local council will wish to consult with other agencies. This could include local organisations that have come into contact with the individual, such as schools and colleges of further education, providers of probation services, social services, mental health services, housing providers or others. Their views should be considered before the decision is made to ask the CPS to consider applying for a CBO. This will ensure that an order is the proper course of action in each case and that the terms of the order are appropriate.

Evidence not heard in the criminal case can still be admissible at the CBO hearing, for example, evidence of other anti-social behaviour by the offender and information about why an order is appropriate in the terms asked for. Witnesses who might be reluctant to give evidence in person may have their evidence accepted as a written statement or given by someone such as a police officer as hearsay evidence, but this will depend on the circumstances of the case.

Special measures are available in CBO proceedings for witnesses under 18 and vulnerable and intimidated adult witnesses (sections 16,17 and 18 Youth Justice and Criminal Evidence Act 1999). The court has to satisfy itself that the special measure, or combination of special

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measures, is likely to maximise the quality of the witness's evidence before granting an application for special measures.

Interim orders: In cases where an offender is convicted of an offence but the court is adjourned for sentencing, or the CBO hearing is adjourned after sentence, an interim order can be granted if the court thinks that it is just to do so. The prosecution can apply for the interim order.

Duration of a Criminal Behaviour Order: The terms of the CBO must include the duration of the order. For adults this is a minimum of two years, up to an indefinite period. For under 18s the order must be between one and three years.

Prohibitions and requirements: The CBO must clearly describe the details of what the offender is not allowed to do (prohibitions) as well as what they must do (requirements). Orders can include prohibitions or requirements or both. It is up to the court to decide which are needed to help prevent further anti-social behaviour and which measures are most appropriate and available to tackle the underlying cause of the behaviour. So far as practicable, these must not interfere with an offender's education or work commitments or conflict with any other court order or injunction that the offender is subject to. In addition, practitioners should, in proposing prohibitions or requirements to the court, also consider the impact on any caring responsibilities the respondent may have and, in the event that the respondent has any disability, whether he or she is capable of complying with the proposed prohibitions or requirements.

The Crown Prosecution Service has issued a guide to assist the police and local councils in preparing CBO applications setting out the general principles to consider; for example, the prohibitions need to deal with the behaviour in question that has caused or is likely to cause harassment, alarm or distress. The order and requirements need to be proportionate and specific, and clear and easy to understand. Requirements could include:

- attendance at an anger management course where an offender finds it difficult to respond without violence;
- youth mentoring;
- a substance misuse awareness session where an offender's anti-social behaviour occurs when they have been drinking or using drugs; or
- a job readiness course to help an offender get employment and move them away from the circumstances that cause them to commit anti-social behaviour.

Before proposing any requirements, evidence must be provided in support of that requirement including information about the person or organisation who will be responsible for supervising compliance and the suitability and enforceability of the requirement. For any requirements where a course is proposed, details of that course and what is involved should be provided, including frequency of appointments and the issues that the appointments will cover or address.

In addition, the responsible person or organisation must inform the police if the offender fails to comply with a requirement; must be a willing participant in the order and be prepared to assist with enforcement.

Putting victims first: The potential impact on the victim or victims will be at the heart of the consideration of the terms of the CBO. Stopping the anti-social behaviour is for the benefit of the victim and thinking about how the terms of the order will impact on the victim is critical. What would they think? Would they be satisfied? It is also good practice to take the time to explain the terms of the order to the victims so that they are aware of the outcome of the court case.

Publicising a CBO issued to a young person: Making the public aware of the offender and the terms of the order can be an important part of the response to anti-social behaviour. It can provide reassurance for communities that action is being taken and it will provide the information that local people need to identify and report breaches.

The decision to publicise a CBO will be taken by the police or council unless the court has made a section 39 order (Children and Young Persons Act 1933) prohibiting publication. When deciding whether to publicise a CBO, public authorities (including the courts) must consider that it is necessary and proportionate to interfere with the young person's right to privacy, and the likely impact on a young person's behaviour. This will need to be balanced against the need to provide re-assurance to victims and the wider community as well as providing them with information so that they can report any breaches. Each case should be decided carefully on its own facts.

Applications to vary or discharge a Criminal Behaviour Order: A CBO may be varied or discharged by the court which made the original order. Either the offender or the prosecution can make an application but if this is dismissed by the court neither party can make a subsequent application without the consent of either the court or the other party. The power to vary includes extending the term of the order or including additional prohibitions or requirements. This flexibility allows for those monitoring the progress of offenders to alter the conditions of the order to suit developing or new circumstances.

Annual reviews for under 18s: Where the order is made against someone under 18 there is a requirement to conduct annual reviews. The review must include consideration of:

- the extent to which the offender has complied with the order;
- the adequacy of any support available to help them to comply with the order; and
- anything else relevant to the question of whether an application should be made to vary or discharge the order.

The police have overall responsibility for carrying out such a review, with a requirement to act in co-operation with the council. The police may invite any other person or body to participate in the review. This could include youth offending teams, educational establishments or other organisations who have been working with the young person. As a result of the review an application to vary or discharge the CBO may be made to the court.

Penalty on breach: It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the CBO. Failure to comply with a prohibition or requirement should be notified to the police. The court has the power to impose serious penalties on conviction, including:

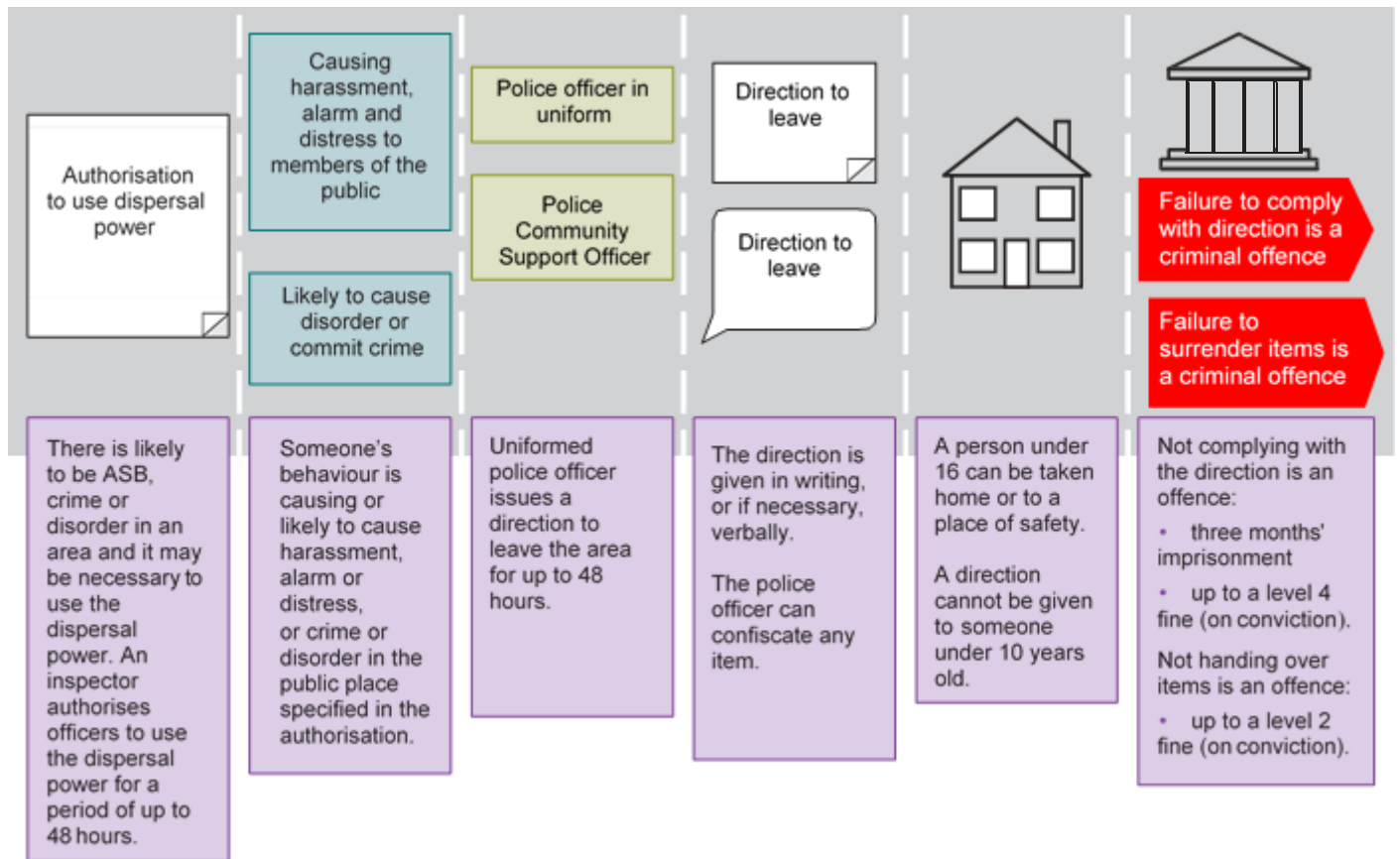
- on summary conviction in the magistrates' court: a maximum of six months in prison or a fine or both;
- on conviction on indictment in the Crown Court: a maximum of five years in prison or a fine or both.

Hearings for those under 18 will take place in the youth court where the maximum sentence is a two-year detention and training order.

2.3 Dispersal Power

Purpose	Requires a person committing or likely to commit anti-social behaviour, crime, or disorder to leave an area for up to 48 hours.
Used by	<ul style="list-style-type: none"> • Police officers in uniform
Test	<ul style="list-style-type: none"> • Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and • Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime, or disorder.
Details	<ul style="list-style-type: none"> • Must specify the area to which it relates and can determine the time and the route to leave by. • Can confiscate any item that could be used to commit anti-social behaviour, crime, or disorder. • Use in a specified locality must be authorised by a police inspector and can last for up to 48 hours. • A direction can be given to anyone who is, or appears to be, over the age of 10. • A person who is under 16 and given a direction can be taken home or to a place of safety.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • Failure to comply with a direction to leave: up to a level 4 fine and/or up to three months in prison although under 18s cannot be imprisoned. • Failure to hand over items: up to a level 2 fine.
Appeals	A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice.
The legislation	Sections 34 to 42 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> • Consideration should be given to how the use of this power might impact on the most vulnerable members of society. • Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to. • There is value in working in partnership to resolve ongoing problems and find long term solutions.

Dispersal Power



Purpose

The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to the local community. The power is preventative, allowing an officer to deal quickly with someone's behaviour and deal with the problem before it escalates.

Restricting an individual's freedom of movement is a serious issue, and accordingly the power should not be invoked lightly. This is why the legislation requires the authorising officer to be satisfied on reasonable grounds that use of the power is necessary to remove or reduce the likelihood of people being harassed, alarmed or distressed or the occurrence of crime or disorder.

In areas where there are regular problems, it is recommended that the police work with the local council to find a sustainable long-term solution. The impact on the local community should be considered when using the dispersal power.

Who can use the power?

The dispersal power can be used by police officers in uniform.

Use of the dispersal power must be authorised by an officer of at least the rank of inspector. This helps to ensure that the power is not used to stop activities which are not causing anti-social behaviour. It may be appropriate for an officer of a more senior rank to authorise the use of the power where, for example, there is no inspector on duty who knows the specific circumstances of the area. The authorising officer can sanction use of the power in a specified locality for a period of up to 48 hours.

The inspector (or above) must record the authorisation in writing, specifying the grounds on which it is given and sign the authorisation. The decision should be based on objective grounds: this may include local knowledge of the area and information to suggest that individuals are likely to cause harassment, alarm or distress to others or engage in crime and disorder at a specific time. The authorising officer should ensure that the evidence is sufficient to justify using the power, and should take account of wider impacts, such as on community relations. The written authorisation may be admitted in evidence if the authorisation is in dispute.

Ensuring proportionality: Restricting people's freedom of movement is a serious matter and it is important that the dispersal power is used proportionately and reasonably, respecting individuals' rights of lawful freedom of expression and freedom of assembly.

The dispersal power can only be used in the specific location authorised by the inspector (or above) who should define a specific geographic location, for example by listing the streets to which it applies or the streets which form the boundary of the area, rather than stating 'in and around the area of'. The authorisation should not cover an area larger than is necessary. If the anti-social behaviour occurs outside the authorised area, the authorising officer will have to increase the area or officers will not be able to use the power.

Consultation: Wherever practicable, the authorising officer should consult the local council or community representatives before making the authorisation. This will help to understand the implications of using the power within a community or area and whether the community will benefit from use of the dispersal power. Working with the relevant council can also assist the police in gaining community consensus and support when it is necessary to use the dispersal power or assist community relations where there are concerns about the use of the power in a particular area. When it has not been practical to consult the local council, the authorising officer may wish to notify the local authority of the authorisation or the use of the power.

Transparency and scrutiny: Police forces may wish to put in place appropriate arrangements for maintaining records of authorisations and use of the dispersal power and the circumstances in which it is used, and to publish data on its use. Police and Crime Commissioners have an important role in holding forces to account to ensure that officers are using the power proportionately. Publication of data will help to highlight any 'hotspot' areas that may need a longer-term solution, such as diversionary activities for young people or security measures in pubs and clubs to prevent alcohol-related anti-social behaviour in town centres.

Details

The legal tests: Two conditions need to be met for a direction to be given:

- the officer must have reasonable grounds to suspect that the behaviour of the person has contributed, or is likely to contribute, to:
 - members of the public in the locality being harassed, alarmed, or distressed; or

– crime and disorder occurring in the locality.

- the officer considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of anti-social behaviour, crime or disorder.

Including behaviour that is likely to cause harassment, alarm or distress in the legal tests allows the power to be used as a preventative measure. The power is for use in public places; this includes places to which the public has access by virtue of express or implied permission, such as, a shopping centre or buildings being used as polling stations.

Written notice: The direction must be given in writing, unless that is not reasonably practicable. The written notice will specify the locality to which the direction relates and for how long the person must leave the area. The officer can also impose requirements as to the time by which the person must leave the locality and the route they must take. The officer must also tell the person that failure to comply, without reasonable excuse, is an offence, unless it is not reasonably practicable to do this.

The information should be provided as clearly as possible, and the officer should ensure the person has understood it. If the direction is given verbally a written record of it must also be kept in order to enforce it in the event that it is breached, and for the police force to be able to monitor use of the power. The written notice may also be admitted in evidence in breach proceedings.

Many forces have already established good practice in relation to the use of dispersal powers. For instance, in some forces, officers carry a pre-printed notepad to provide details of the direction, the consequences of a failure to comply, where to collect any confiscated items, and a map to clarify the area a person is excluded from.

Dispersing young people: A police officer can give a direction to anyone who is, or appears to be, over the age of 10. If the officer reasonably believes the person given the direction to be under the age of 16, the officer can take them home or to another place of safety. Under the provisions of the Children Act 2004 the police have a duty to ‘safeguard and promote the welfare of children’. Police forces have safeguarding arrangements in place to ensure that children are not returned to unsafe homes or placed in potentially harmful situations.

Case law in relation to Part 4 of the Anti-social Behaviour Act 2003 states that to ‘remove’ a person under 16 to their place of residence carries with it a power to use reasonable force if necessary to do so: see *R (on the application of W) (Respondent) v (1) Commissioner of Police for the Metropolis, (2) Richmond-upon-Thames London Borough Council (Appellants) and the Secretary of State for the Home Department (Interested Party) [2006] EWCA Civ 458*.

Restrictions: A direction cannot be given to someone engaged in peaceful picketing that is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 or if they are taking part in a public procession as defined in section 11 of the Public Order Act 1986.

In addition, the direction cannot restrict someone from having access to the place where they live or from attending a place where they:

- work, or are contracted to work for that period of time;
- are required to attend by a court or tribunal;
- are expected for education or training;
- are required to attend a service provision appointment or to receive medical treatment during the period of time that the direction applies.

Providing information to the public: Where use of the dispersal power has been authorised in advance, the police should consider providing information to those who may be affected.

Putting victims first: If the dispersal power is used in response to a complaint from a member of the public, the officer should update them about what has been done in response to their complaint. Keeping victims updated on enforcement action can provide reassurance to the community and result in fewer follow up calls on the issue.

Surrender of property: The police officer can require the person given the direction to hand over items causing or likely to cause anti-social behaviour. This could be any item, but typical examples are alcohol, fireworks or spray paint. The officer does not have the power to seize the item; therefore, the person's consent is required to take the item. However, it is an offence for the person not to hand over the item if asked to do so.

Surrendered items will be held at the police station and can be collected after the period of the direction has expired. If the item is not collected within 28 days, it can be destroyed or disposed of. If the individual is under the age of 16 they can be required to be accompanied by a parent or other responsible adult to collect the item; this will mean that the adult can be made aware of the young person's behaviour and will help encourage parental responsibility.

Recording information and publishing data: The officer giving the direction must record:

- the individual to whom the direction is given;
- the time at which the direction is given; and
- the terms of the direction (including the area to which it relates and the exclusion period).

If a direction is varied or withdrawn the officer must record the time this was done and the terms of the variation.

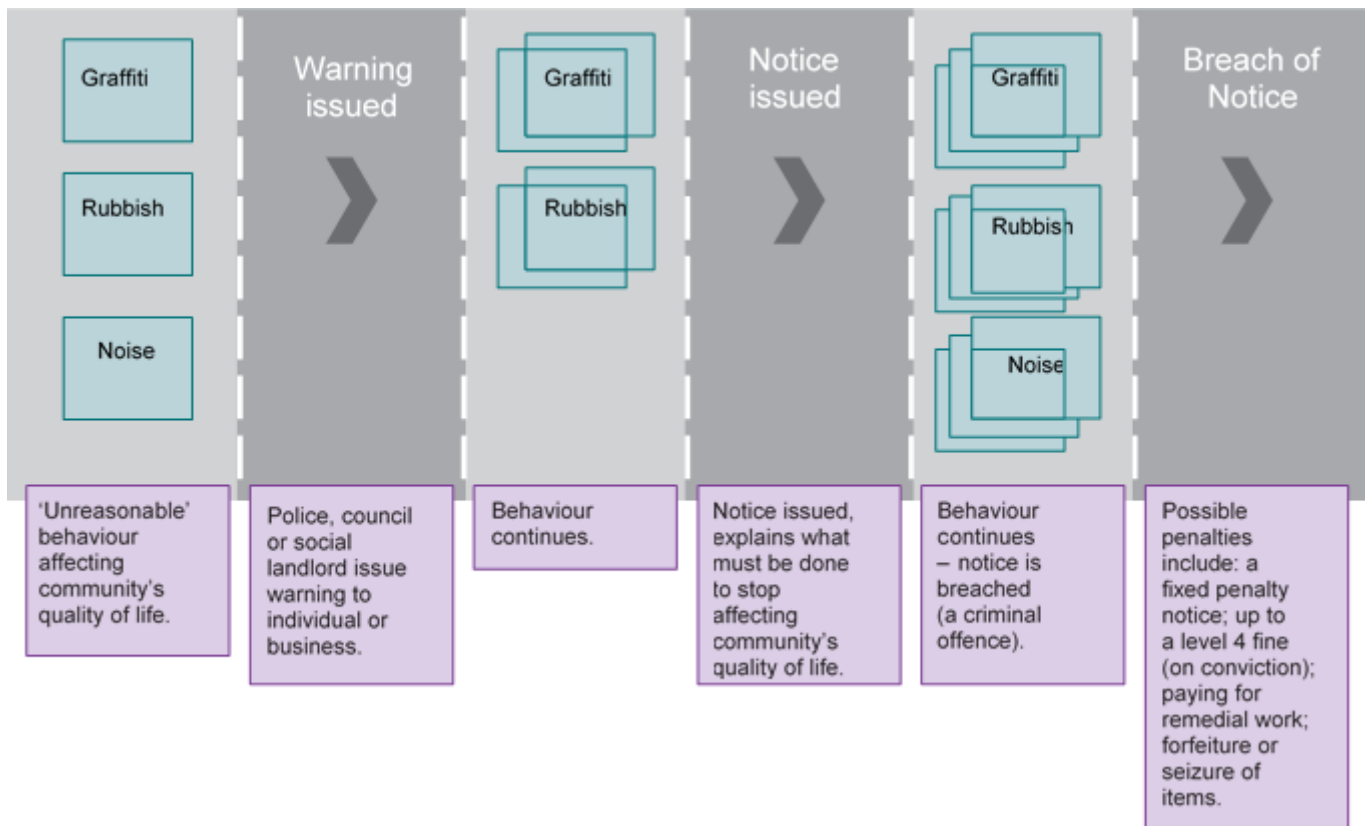
Penalty on breach: Failure to comply with the direction is a summary only criminal offence which will be dealt with in the magistrates' court or youth court for people under the age of 18. On conviction it carries a maximum penalty of a level 4 fine and/or three months imprisonment, although those people under the age of 18 cannot be imprisoned. Failure to surrender items is also a criminal offence with a maximum penalty of a level 2 fine.

Appeals: A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice.

2.4 Community Protection Notice

Purpose	To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Who can issue a CPN	<ul style="list-style-type: none"> • Council officers; • Police officers; • Social landlords (if designated by the council).
Test	<p>Behaviour has to:</p> <ul style="list-style-type: none"> • have a detrimental effect on the quality of life of those in the locality; • be of a persistent or continuing nature; and • be unreasonable.
Details	<ul style="list-style-type: none"> • The Community Protection Notice (CPN) can deal with a range of behaviours; for instance, it can deal with noise nuisance and litter on private land. • The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again. • A written warning must first be issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing. • A CPN can then be issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour. • Can allow council to carry out works in default on behalf of a perpetrator.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • A fixed penalty notice can be issued of up to £100 if appropriate. • A fine of up to level 4 (for individuals), or a fine for businesses.
Appeals	<ul style="list-style-type: none"> • Terms of a CPN can be appealed by the perpetrator within 21 days of issue. • The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are excessive.
The legislation	Sections 43 to 58 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> • Particular care should be taken to consider how use of the power might impact on more vulnerable members of society.

Community Protection Notice



Purpose

The Community Protection Notice can be used to deal with ongoing problems or nuisances which are having a detrimental effect on the community's quality of life by targeting those responsible.

The Community Protection Notice is particularly suited to environmental issues such as graffiti, rubbish, and noise nuisances.

Who can issue a Community Protection Notice

Local councils have traditionally taken the lead in dealing with the sort of issues that can be addressed through the use of Community Protection Notices, but the police are also able to issue these Notices, as are social landlords where they have been designated to do so by the relevant local authority, recognising their role in responding to anti-social behaviour in the dwellings they manage.

Putting victims first: To understand the impact that the behaviour is having on the quality of life of those in a locality, the agency considering the use of a Community Protection Notice should first speak to members of the community to gain a proper understanding of the harm that is being caused to individuals and the community. This will help to ensure that victims feel that the issue is being taken seriously and will also help to ensure that the decision to issue a Community Protection Notice is based on evidence of the impact that the perpetrator's behaviour is having. It will also help to ensure that officers do not use the notice to stop activities which are not causing anti-social behaviour.

Details

The legal tests: These focus on the impact that the behaviour is having on victims and communities. A Community Protection Notice can be issued by one of the bodies mentioned above if they are satisfied, on reasonable grounds, that the conduct of an individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

Agencies should have sufficient evidence to satisfy themselves 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.

Similarly, decisions on whether behaviour is persistent or continuing in nature should be taken on a case-by-case basis. For example, where an individual is storing rubbish in their garden for many months, proving persistence will be relatively straightforward. However, there will be cases where behaviour is continuing over a much shorter time period and the individual has been asked to cease the behaviour but has refused to do so and persists with the behaviour.

The issuing officer must also make a judgement as to whether the behaviour in question is unreasonable. For instance, a baby crying in the middle of the night may well have a detrimental effect on immediate neighbours and is likely to be persistent in nature. However, it is unlikely to be reasonable to issue the parents with a Community Protection Notice if there is not a great deal that they can do to control or affect the behaviour.

There is significant merit in involving the local council, who will have many years of experience in tackling environmental issues, when deciding whether to serve a Community Protection Notice. In addition, the issuing body should be satisfied that it has enough evidence that the activity in question is having a detrimental effect on others' quality of life, is persistent or continuing and is unreasonable.

Who can a Community Protection Notice be issued to? A Community Protection Notice can be issued against any person aged 16 or over or to a body, including a business. Where a body is issued with a Community Protection Notice, it should be issued to the most appropriate person. In the case of a small business, it could be the shop owner whereas in the case of a major supermarket it may well be the store manager. The issuing officer will need to be satisfied that the person issued with the Community Protection Notice can be reasonably expected to control or affect the behaviour in question, taking into consideration all the available circumstances. There is also a need to have due regard to the Equality Act 2010.

The Community Protection Notice can be handed directly to the person in question or it can be posted. In circumstances where the owner or occupier cannot be determined, the issuing officer can post the Community Protection Notice on the premises and it is considered as having been served at that point. In such a scenario, the issuing officer would need to demonstrate that reasonable enquiries had been undertaken to ascertain the identity of the owner or occupier, for instance, checking with the Land Registry.

Under s.50 Police and Reform Act 2002, if a constable in uniform has reason to believe that a person has engaged, or is engaging, in anti-social behaviour, then they may compel that person to provide their name and address. Failure to do so, or providing a false or inaccurate name or address, is guilty of an offence and that person shall be liable, on summary conviction, to a fine not exceeding level 3.

Community Protection Notices and statutory nuisance: Issuing a Community Protection Notice does not discharge the council from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990. A statutory nuisance is one of the matters listed in section 79(1) of that Act which, given all the circumstances, is judged to be 'prejudicial to health or a nuisance'. For England and Wales, statutory nuisances are listed as:

- any premises in such a state to be prejudicial to health or a nuisance;
- smoke emitted from premises so as to be prejudicial to health or a nuisance;
- fumes or gases emitted from (domestic) premises so as to be prejudicial to health or a nuisance;
- any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
- any accumulation or deposit and being prejudicial to health or a nuisance;
- any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;
- artificial light emitted from premises so as to be prejudicial to health or a nuisance;
- noise emitted from premises so as to be prejudicial to health or a nuisance;
- noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street;
- any other matter declared by any enactment to be a statutory nuisance.

Many of these terms have special meanings, either under the 1990 Act or following decisions of the courts. In particular, 'nuisance' means something different to 'bothersome' or an 'annoyance'. The assessment of nuisance is an objective test, taking into account a range of factors and is based on what is reasonable for the 'average' person. 'Prejudicial to health' means 'injurious or likely to cause injury to health' under section 79(7) of the 1990 Act. While a Community Protection Notice can be issued for behaviour that may constitute a statutory nuisance, the interaction between the two powers should be considered. It remains a principle of law that a specific power should be used in preference to a general one.

As a Community Protection Notice can only be issued for behaviour that is persistent or continuing and unreasonable, in most cases, social landlords or the police will have sufficient time to contact the relevant council team in advance of issuing the Notice if they believe the behaviour could be a statutory nuisance. If it could be a statutory nuisance, the issuing authority should consider whether issuing a Community Protection Notice is necessary given the powers afforded to council under the 1990 Act. If they do

decide to issue a Community Protection Notice in parallel, they should work with the relevant council team to ensure any restrictions or requirements complement those that may be included in any future Abatement Notice.

The written warning: In many cases, the behaviour in question will have been ongoing for some time. Informal interventions prior to a written warning should be attempted. Examples of appropriate informal interventions may include a conversation, general information about the possible escalation through the Community Protection Notice process, and Acceptable Behaviour Contract, or independent mediation. The issuing officer should make clear to the potential recipient, preferably verbally and in person, the alleged ASB and supporting evidence. Potential recipients should also be able to contact the issuing officer to discuss their case.

Before a Notice can be issued, a written warning must be issued to the person committing anti-social behaviour.

The written warning must make clear to the individual that if they do not stop the anti-social behaviour, they could be issued with a Community Protection Notice. However, local agencies may wish to include other information in the written warning, for instance:

- outlining the specific behaviour that is considered anti-social and which is having a detrimental effect on others' quality of life, as this will ensure there is little doubt over what needs to be done to avoid the formal Notice being issued. Additional requirements beyond the scope of the behaviour in question should not be included. For example, generic requirements that prevent 'any' harassment, alarm, distress, nuisance, or annoyance;
- outlining the time by which the behaviour is expected to have changed in order to give the alleged perpetrator a clear understanding of when the Community Protection Notice might be served;
- setting out the potential consequences of being issued with a Community Protection Notice and in particular the potential sanctions on breach, which could act as an incentive for the individual to change their behaviour before a formal Notice is issued.

How the written warning is discharged is up to each agency. In cases where a problem has been continuing for a period of time, the written warning may be included in other correspondence. In cases where the issue of a written warning is required more quickly, it could be a standard form of words, adaptable to any situation – for instance, a pre-agreed form of words that can be used by the officer on the spot.

Enough time should be left between the issue of a written warning and the issue of a Community Protection Notice to allow the individual or body to deal with the matter. It will be for the issuing officer to decide how long is allowed on a case-by-case basis. For instance, in an example where a garden is to be cleared of waste, several days or weeks may be required to

enable the individual to make the necessary arrangements. However, where an individual is playing loud music in a park, as outlined above, the officer could require the behaviour to stop immediately.

A written warning should include contact information for the issuing authority, so the recipient can discuss any of the requirements if necessary.

Putting victims first: Keeping victims and communities updated on enforcement action at important points can help them to deal with the impact of the behaviour. Victims may feel that their complaint has been ignored if they do not see immediate changes to the behaviour. However, informing them of what is happening can make a difference and result in fewer follow up calls on the issue. If a Community Protection Notice has been issued, the officer may wish to speak to those affected by the anti-social behaviour to inform them of what steps have been taken, potential timescales and possible implications for the perpetrator.

Partnership working: In many cases, the issuing agency will have already had contact with other partners in dealing with a persistent issue. For instance, in a case dealing with a build-up of litter, the council may have spoken to the local neighbourhood policing team or social landlord. However, in situations that develop more quickly, the relevant officer will have to decide whether there are other individuals or bodies that should be informed. For matters that could amount to a statutory nuisance it will often be advisable to seek the expert view of council environmental health officers before issuing a Community Protection Notice. Partners may wish to give consideration to a shared repository of issued Community Protection Notices and warning letters in order to avoid duplication across issuing bodies.

What to include in a Community Protection Notice A Community Protection Notice should be bespoke to the individual and the behaviour in question so that it is appropriate to the situation and can include any or all of the following:

- a requirement to stop doing specified things;
- a requirement to do specified things;
- a requirement to take reasonable steps to achieve specified results.

This means that not only can the relevant officer stop someone being anti-social, they can also put steps in place to ensure the behaviour does not recur.

In deciding what should be included as a requirement in a Community Protection Notice, issuing officers should consider what is reasonable to include in a notice of this type and any reasonable timescales they wish to add. Careful consideration should be given by those issuing a CPN to ensure that the prohibitions and restrictions imposed are necessary and proportionate. The Community Protection Notice is intended to deal with short or medium-

term issues. They must be clear and the time limit must be clearly stated on the CPN. While restrictions and requirements may be similar to those in a Civil Injunction, more onerous conditions, such as attendance at a drug rehabilitation course, would clearly be more appropriate to a court issued order. The CPN could be used, for example, to require a dog owner to attend training classes or fix fencing to deal with straying incidents where this is having a detrimental effect on the community's quality of life.

Those with the power to issue CPNs also have the power to vary or discharge a CPN and information about how to request this should be given to the person concerned when the CPN is issued.

Putting victims first: When the issuing officer has decided what to include as a requirement in the Community Protection Notice they should consider the desired outcome for the community. Victims will not only want the behaviour to stop, they will also want it not to occur again. Consideration should be given to whether there are requirements that could ensure the anti-social behaviour does not recur.

Penalty on breach: Failure to comply with a Community Protection Notice is an offence. Where an individual, business or organisation fails to comply with the terms of a Community Protection Notice, a number of options are available for the issuing authority and these are outlined in more detail below.

- **Fixed penalty notices**

Depending on the behaviour in question, the issuing officer could decide that a fixed penalty notice would be the most appropriate sanction. This can be issued by a police officer, council officer or, if designated, a social landlord. In making the decision to issue a fixed penalty notice, the officer should be mindful that if issued, payment would discharge any liability to conviction for the offence.

Putting victims first: When deciding which sanction to choose on non-compliance with a Community Protection Notice, the issuing authority should, where appropriate, consider the potential wishes of the victim. While issuing a fixed penalty notice may be considered appropriate, if it does nothing to alleviate the impact on the community or leaves victims feeling ignored, this may not be the best course of action and may lead to further complaints and the requirement for more action.

A fixed penalty notice should not be more than £100 and can specify two amounts, for instance, a lower payment if settled early, say within 14 days. In order to allow the individual time to pay, no other associated proceedings can be taken until at least 14 days after the issue. The exact wording or design of a fixed penalty notice can be determined locally to fit with local standards and protocols but must:

- give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- state the period during which proceedings will not be taken for the offence;
- specify the amount or amounts payable;
- state the name and address of the person to whom the FPN should be paid; and
- specify permissible methods of payment (for example, cash, cheque, bank transfer).

- **Remedial action**

If an individual or body fails to comply with a Community Protection Notice issued by the council, it may decide to take remedial action to address the issue. Where the Community Protection Notice has been issued by the police or a social landlord, but they believe remedial action is an appropriate sanction, they should approach the council to discuss the best way to move forward. For instance, the social landlord could undertake the work on behalf of the council.

If it is decided that remedial action is the best way forward, the council (or the other agency in discussion with the council) should establish what works are required to put the situation right. For instance, in a situation where the complaint relates to a significant build-up of rubbish in someone's front garden, remedial action could take the form of clearing the garden on the perpetrator's behalf.

Putting victims first: Punishment of the perpetrator may not be top of the victim's priority list; they may just want to see the situation fixed. If remedial action is chosen as the most appropriate action, it may help those affected by the behaviour to know when they can expect remedial works to be undertaken.

Where this work is to be undertaken on land 'open to the air', the council or their agent (for instance, a rubbish disposal contractor) can undertake these works without the consent of the owner or occupier. Where works are required indoors the permission of the owner or occupier is required. When it has been decided what works are required, if these works are taking place indoors, the council must specify to the perpetrator what work it intends to carry out and the estimated cost (there is no duty on a council to do this when carrying out remedial work under section 47(2) of the 2014 Act i.e. this on land that is 'open to the air'. The requirement only exists in relation to premises other than land open to the air (see s.47(3) of the 2014 Act). Once the work has been completed, the council should give the perpetrator details of the work completed and the final amount payable. In determining a 'reasonable' charge, local authorities should ensure the costs are no more than is necessary to restore the land to the standard specified in the notice. Such costs may include officer time, use of cleaning equipment (unless of a specialised nature), and administration costs relating to the clearance itself.

- **Remedial orders**

On conviction for an offence of failing to comply with a Community Protection Notice, the prosecuting authority may ask the court to impose a remedial order and/or a forfeiture order. This could be for a number of reasons, for instance:

- the matter may be deemed so serious that a court order is warranted;
- works may be required to an area that requires the owner's or occupier's consent and this is not forthcoming; or
- the issuing authority may believe that forfeiture or seizure of one or more items is required as a result of the behaviour (for instance, sound making equipment).

A remedial order may require the defendant:

- to carry out specified work (this could set out the original Community Protection Notice requirements); or
- to allow work to be carried out by, or on behalf of, a specified local authority.

Where works are required indoors, the defendant's permission is still required. But this does not prevent a defendant who fails to give that consent from being in breach of the court's order.

- **Forfeiture orders**

Following conviction for an offence under section 48, the court may also order the forfeiture of any item that was used in the commission of the offence. This could be spray paints, sound making equipment or a poorly socialised dog where the court feels the individual is not able to manage the animal appropriately (re-homed in the case of a dog). Where items are forfeited, they can be destroyed or disposed of appropriately.

- **Seizure**

In some circumstances, the court may issue a warrant authorising the seizure of items that have been used in the commission of the offence of failing to comply with a Community Protection Notice. In these circumstances, an enforcement officer may use reasonable force, if necessary, to seize the item or items.

Failure to comply with any of the requirements in the court order constitutes contempt of court and could lead to a custodial sentence. If an individual is convicted of an offence under section 48, they may receive up to a level 4 fine (up to £20,000 in the case of a business or organisation).

Appeals: Provision should be in place for a recipient to query the basis of a written warning, despite there being no route in the '2014 Act' to do so. The issuing authority can rescind a written warning at their discretion, therefore contact details of a senior officer with oversight of the process should be made available on the written warning itself and the authority's website. Local systems of review are encouraged.

Anyone issued with a Community Protection Notice has the opportunity to appeal it. Appeals are heard in a magistrates' court and the Notice should provide details of the process, how an individual can appeal and the timeframe to appeal (within 21 days of the person being issued with the notice). As the legislation makes clear, an appeal can be made on the following grounds:

The test was not met if:

- **the behaviour did not take place:** in most cases, officers will have collected evidence to place beyond any reasonable doubt that the behaviour occurred. However, in cases where the officer has relied on witness statements alone, they should consider the potential for this appeal route and build their case accordingly;
- **the behaviour has not had a detrimental effect on the quality of life of those in the locality:** again, the importance of witness statements and any other evidence that the behaviour in question is having a negative impact on those nearby should be collected to ensure this defence is covered;
the behaviour was not persistent or continuing: in some cases, judging persistence will be straightforward. However, in cases where a decision to issue a Community Protection Notice is taken more quickly, officers should use their professional judgement to decide whether this test is met and may need to justify this on appeal;
- **the behaviour is not unreasonable:** In many cases, individuals, businesses or organisations that are presented with evidence of the detrimental impact of their behaviour will take steps to address it. Where they do not, they may argue that what they are doing is reasonable. In deciding whether behaviour is unreasonable, officers should consider the impact the behaviour is having on the victim or victims, whether steps could be taken to alleviate this impact and whether the behaviour is necessary at all.
- **the individual cannot reasonably be expected to control or affect the behaviour:** in issuing the CPN, the officer must make a judgement based on reasonable grounds as to whether the individual, business or organisation can reasonably be expected to do something to change the behaviour. The officer should be prepared to justify this decision in court if required.

Other reasons:

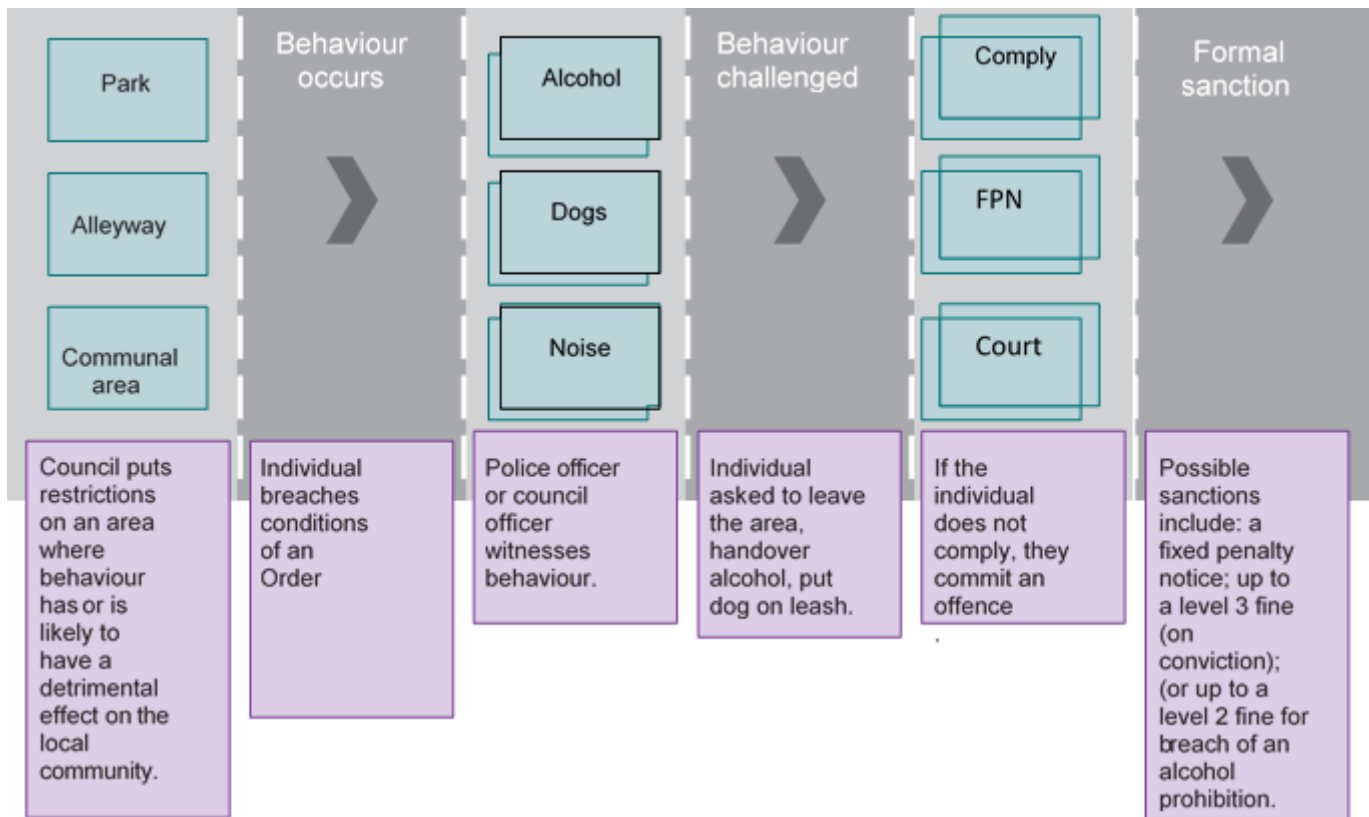
- **any of the requirements are unreasonable:** requirements in a Community Protection Notice should either prevent the anti-social behaviour from continuing or recurring or reduce the detrimental effect or reduce the risk of its continuance or recurrence. As such, it should be related to the behaviour in question;
- **there is a material defect or error with the Community Protection Notice:** this ground for appeal could be used if there was a failure to comply with a requirement in the Act, such as a failure to provide a written warning before issuing the Notice;
- **the Notice was issued to the wrong person:** this could be grounds for appeal if the Notice was posted to the wrong address or the wrong person was identified in a business or organisation.

The person issued with the Community Protection Notice must appeal within 21 days of issue. Where an appeal is made, any requirement included under section 43(3)(b) or (c), namely a requirement to do specified things or take reasonable steps to achieve specified results, is suspended until the outcome of the appeal. However, requirements stopping the individual or body from doing specified things under section 43(3)(a) continue to have effect. In addition, where remedial action is taken by a council under section 47 or 49 the individual can appeal on the grounds that the cost of the work being undertaken on their behalf is excessive.

2.5 Public Spaces Protection Order

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space.
Who can make a PSPO	<ul style="list-style-type: none"> • Councils issue a Public Spaces Protection Order (PSPO) after consultation with the police, Police and Crime Commissioner, the owner or occupier of land in the restricted area and other community representatives they see fit.
Test	<p>Behaviour being restricted has to:</p> <ul style="list-style-type: none"> • be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; • be persistent or continuing nature; and • be unreasonable.
Details	<ul style="list-style-type: none"> • Restrictions and requirements set by the council. • These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. • Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. • Can be enforced by a police officer and council officers.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. • A fine of up to level 3 on prosecution.
Appeals	<ul style="list-style-type: none"> • Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. • Further appeal is available each time the PSPO is varied by the council.
The legislation	Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> • Consideration should be given to how the use of this power might impact on the most vulnerable members of society. • Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to • There is value in working in partnership to resolve ongoing problems and find long term solutions.

Public Spaces Protection Order



Purpose

Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

Who can make a PSPO?

Local councils are responsible for making Public Spaces Protection Orders: district councils should take the lead in England with county councils or unitary authorities undertaking the role where there is no district council. In London, borough councils can make Public Spaces Protection Orders, as is the Common Council of the City of London and the Council of the Isles of Scilly. In Wales, responsibility falls to county councils or county borough councils. Parish councils and town councils in England, and community councils in Wales are not able to make these Orders. In addition, section 71 of the Anti-social Behaviour, Crime and Policing Act 2014 allows bodies other than local authorities to make Public Spaces Protection Orders in certain circumstances by order of the Secretary of State. This power has been exercised by the Secretary of State to allow the City of London Corporation to manage several public spaces with the permission of, and on behalf of, local authorities.

Details

The legal tests: The legal tests focus on the impact that anti-social behaviour is having on victims and communities. A Public Spaces Protection Order can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Putting victims first: In deciding to place restrictions on a particular public space, councils should consider the knock-on effects of that decision and ensure that this is a reasonable and proportionate response to incidents of anti-social behaviour in the area. Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere. Consideration may also be given to members of the public who need or want to use the space before implementing a Public Spaces Protection Order e.g. those who want access to a park due to not having a garden at their home.

Where can it apply? The council can make a Public Spaces Protection Order on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

Consultation and working with partners: Before making a Public Spaces Protection Order, the council must consult with the police. This should be done formally through the chief officer of police and the Police and Crime Commissioner, but details could be agreed by working level leads. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discussing the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted. This should include the county council (if the application for the Order is not being led by them) where they are the Highway Authority.

The council must also consult whatever community representatives they think appropriate. It is strongly recommended that the council engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all. The council should also ensure that specific groups likely to have a particular interest are consulted, such as a local residents association, or regular users of a park or those involved in specific activities in the area, such as buskers and other street entertainers.

The appropriate length of the consultation will depend on the particular circumstances of the PSPO being sought and it is important that councils ensure that the consultation is reasonable and proportionate to the issues under consideration. In general, a consultation is expected to

take no longer than two weeks. If a matter is particularly urgent, a shorter consultation period is likely to be proportionate. However, if it is less pressing or more complex factors to consider, then a longer consultation may be appropriate.

Openness and accountability: Before making, varying, extending or discharging a Public Spaces Protection Order, the council must carry out the necessary publicity and necessary notification (if any) in accordance with section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014 – this includes publishing the text of a proposed order or variation and publishing the proposal for an extension or variation. The council must also publish information about the order in accordance with regulations made by the Secretary of State - this includes publishing the order as made, extended or varied on its website, and, where an order is discharged, publishing a notice on its website identifying the order which has been discharged and the date on which it ceases to have effect.

Given that the effect of Public Spaces Protection Orders is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability. This will be achieved, for example, where the decision is put to the Cabinet or full Council.

Land requiring special consideration

Before a council makes a Public Spaces Protection Order it should consider whether the land falls into any of the following categories:

- **Registered common land:** There are around 550,000 hectares of registered common land in England and Wales. Common land is mapped as open access land under the Countryside and Rights of Way (CROW) Act 2000 with a right of public access on foot. Some commons, particularly those in urban districts, also have additional access rights and these may include rights for equestrian use.
- **Registered town or village green:** Town and village greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes. These might include organised or ad-hoc games, picnics, fetes and similar activities, such as dog walking.
- **Open access land:** Open access land covers mountain, moor, heath and down and registered common land, and some voluntarily dedicated land, for example the Forestry Commission's or Natural Resources Wales' freehold estate. Open access land provides a right of open-air recreation on foot although the landowner can voluntarily extend the right to other forms of access, such as for cycling or horse-riding.

This can be done by contacting the Commons registration authority (county council in two-tier areas; unitary authority elsewhere). If the land in question is a registered common the council will be able to find out what common land rights exist and the access rights of any users. The Department for Environment, Food & Rural Affairs considers the model set out in 'A Common Purpose' to be good practice in consulting directly affected persons (including commoners) and the public about any type of potential change in the management of a common.

If land is a registered green, it receives considerable statutory protection under the 'Victorian Statutes'. In terms of open access land, there are various national limitations on what activities are included within the access rights. It is possible for local restrictions on CROW rights to be put in place to meet wider land use needs, and this system is normally administered by Natural England.

Where an authority is considering an order on one of these types of land, the council should consider discussing this with relevant forums and user groups (e.g. Local Access Forums, Ramblers or the British Horse Society) depending on the type of provision that is contemplated in the order. It could also be appropriate to hold a local public meeting when considering whether to make an order for an area of such land to ensure all affected persons are given the opportunity to raise concerns.

What to include in a Public Spaces Protection Order. The Order can be drafted from scratch based on the individual and specific issues being faced in a particular public space. A single Order can also include multiple restrictions and requirements. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead in designated areas.

When deciding what to include, the council should consider scope. The broad aim is to keep public spaces welcoming to law abiding people and communities and not simply to restrict access. So, restrictions or requirements can be targeted at specific people, designed to apply only at certain times or apply only in certain circumstances.

Putting victims first: Although it may not be viable in each case, discussing potential restrictions and requirements prior to issuing an Order with those living or working nearby may help to ensure that the final Order better meets the needs of the local community and is less likely to be challenged.

In establishing which restrictions or requirements should be included, the council should be satisfied on reasonable grounds that the measures are necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring.

As with all the anti-social behaviour powers, the council should give due regard to issues of proportionality: is the restriction proposed proportionate to the specific harm or nuisance that is being caused? Councils should ensure that the restrictions being introduced are reasonable and will prevent or reduce the detrimental effect continuing, occurring or recurring. In addition, councils should ensure that the Order is appropriately worded so that it targets the specific behaviour or activity that is causing nuisance or harm and thereby having a detrimental impact on others' quality of life. Councils should also consider whether restrictions are required all year round or whether seasonal or time limited restrictions would meet the purpose.

When the final set of measures is agreed the Order should be published in accordance with regulations made by the Secretary of State and must:

- identify the activities having the detrimental effect;
- explain the potential sanctions available on breach; and
- specify the period for which the Order has effect.

Controlling the presence of dogs

Under the Animal Welfare Act 2006, owners of dogs are required to provide for the welfare needs of their animals. This includes providing the necessary amount of exercise each day, which in many cases will require dogs to be let off the lead whilst still under control.

Councils will be aware of the publicly accessible parks and other public places in their area which dog walkers can use to exercise their dogs without restrictions.

When deciding whether to make requirements or restrictions on dogs and their owners, local councils will need to consider whether there are suitable alternative public areas where dogs can be exercised without restrictions. Councils should consider if the proposed restrictions will displace dog walkers onto other sensitive land, such as farmland or nature conservation areas.

Councils should also consider the accessibility of these alternative sites for those with reduced mobility, including but not limited to, assistance dog users. For example, is there step free access, are there well-maintained paths and what transport options are available, including in the early morning and evening.

Councils are also encouraged to publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions. Both dog walkers and non-dog walkers would then have a clear opportunity to submit their views on whether these alternatives were suitable. This should help minimise the risks of unwanted and unintended displacement effects.

Guidance published by the Department for Environment, Food and Rural Affairs on dog control states that councils must consult dog law and welfare experts e.g. vets or animal welfare officers and organisations affected by restrictions before seeking to impose restrictions. Councils may also wish to consider consulting the Kennel Club. Where a Public Spaces Protection Order proposes to restrict dog walking in parks and other commonly used dog walking sites, consideration should be given to how to alert interested people to the proposed restrictions, such as posting notices of the proposed restrictions and consultation details within these spaces.

Consideration must also be given on how any dog walking restrictions being proposed would affect those who rely on assistance dogs, ensuring any prohibition or requirement is compliant with the provisions of Equality Act 2010 or considering what exemptions should apply for assistance dogs.

In relation to dogs and their owners, a Public Spaces Protection Order could, for example:

- exclude dogs from designated areas (e.g. a children's play area in a park);
- require the person in charge of the dog to pick up after it;
- require dogs to be kept on leads in a designated area;
- be framed to apply during specific times or periods (e.g. dogs excluded from a beach from 9am to 6pm, 1 May to 30 September);
- restrict the number of dogs that can be walked by one person at any one time; and
- put in place other restrictions or requirements to tackle or prevent any other activity that is considered to have a detrimental effect on the quality of life of those in the locality or is likely

to have such an effect.

Councils should also consider whether alternative options are available to deal with problems around irresponsible dog ownership or dogs being out of control. It may be that if there are local problems with specific individuals allowing their dogs to stray or run out of control for which one of the other available powers, such as the Community Protection Notice, may be more appropriate. The Department for Environment, Food and Rural Affairs has produced detailed guidance in the form of a practitioner's guide on the range of tools available to deal with irresponsible dog ownership. Targeted measures and educational days for irresponsible dog owners can bring about real improvements in the behaviour of irresponsible dog owners.

Parish and Town Councils:

Public Spaces Protection Orders are not available to Parish and Town Councils. Parish and Town Councils wishing to deal with dog control issues should discuss the issue with their principal authority, including whether a Public Spaces Protection Order would provide the means to address the issues being experienced by the local community. If the principal authority is satisfied that the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a Public Spaces Protection Order. This ensures a single approach on dog control matters within the local community and avoids the risk of any duplication or conflicting requirements and restrictions being put in place.

Restricting alcohol: A Public Spaces Protection Order can be used to restrict the consumption of alcohol in a public space where the relevant legal tests are met. However, such an Order cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol (other than council operated licenced premises). There are also limitations where a temporary event notice has been given under Part 5 of the Licensing Act 2003, or where the sale or consumption of alcohol is permitted by virtue of permission granted under section 115E of the Highways Act 1980.

This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour. It would create confusion and duplication if Public Spaces Protection Orders were introduced here.

Groups hanging around/standing in groups/playing games

It is important that councils do not inadvertently restrict everyday sociability in public spaces. The Public Spaces Protection Order should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life, rather than everyday sociability, such as standing in groups which is not in itself a problem behaviour.

Where young people are concerned, councils should think carefully about restricting activities that they are most likely to engage in. Restrictions that are too broad or general in nature may force the young people into out-of-the-way spaces and put them at risk. In such circumstances, councils should consider whether there are alternative spaces that they can use.

People living in temporary accommodation may not be able to stay in their accommodation during the day and so may find themselves spending extended times in public spaces or seeking shelter in bad weather. It is important that public spaces are available for the use and enjoyment of a broad spectrum of the public, and that people of all ages are free to gather, talk and play games.

Restricting access: In the past, Gating Orders have been used to close access to certain public rights of way where the behaviour of some has been anti-social.

A Public Spaces Protection Order can be used to restrict access to a public right of way. However, when deciding on the appropriateness of this approach, the council must consider a number of things, as set out below:

- **Can they restrict access?** A number of rights of way may not be restricted due to their strategic value.
- **What impact will the restriction have?** For instance, is it a primary means of access between two places and is there a reasonably convenient alternative route?
- **Are there any alternatives?** Previously gating was the only option, but it may be possible under a Public Spaces Protection Order to restrict the activities causing the anti-social behaviour rather than access in its totality.

There are also further consultation requirements where access is to be restricted to a public right of way. These include notifying potentially affected persons of the possible restrictions. This could include people who regularly use the right of way in their day-to-day travel as well as those who live nearby. Interested persons should be informed about how they can view a copy of the proposed order and be given details of how they can make representations and by when. The council should then consider these representations.

It will be up to the council to decide how best to identify and consult with interested persons. In the past newspapers have been used, but other channels such as websites and social media may now be more effective. Where issues are more localised, councils may prefer to deal with individual households. Or, where appropriate, councils may decide to hold public meetings and

discuss issues with regional or national bodies (such as the Local Access Forum) to gather views.

Duration of a Public Spaces Protection Order: The maximum duration of a Public Spaces Protection Order is three years, but they can last for shorter periods of time where more appropriate. Short-term Orders could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, and in such circumstances the council might decide to make an initial Order for 12 months and then review that decision at that point.

At any point before expiry, the council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate before doing so.

Changing the terms of a Public Spaces Protection Order: A Public Spaces Protection Order can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a single public space. However, if a new issue arises in an area where an Order is already in force, the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions. For instance, a Public Spaces Protection Order may exist to ensure dogs are kept on their leads in a park but, after 12 months, groups start to congregate in the park drinking alcohol which is having a detrimental effect on those living nearby. As a result, the council could vary the Order to deal with both issues. Any proposed variation to an existing Public Spaces Protection Order would require the council to undertake the necessary consultation on the proposed changes.

As well as varying the Order, a council can also seek to discharge it at any time, for instance when the issue that justified the Order has ceased or where the behaviour has stopped or the land ceases to be classified as a public space.

Penalty on breach: It is an offence for a person, without reasonable excuse, to:

- do anything that the person is prohibited from doing by a Public Spaces Protection Order (other than consume alcohol – see below); or
- fail to comply with a requirement to which the person is subject under a Public Spaces Protection Order.

A person does not commit an offence by failing to comply with a prohibition or requirement that the council did not have power to include in a Public Spaces Protection Order. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

It is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking

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zone. This is liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice would be the most appropriate sanction. This can be issued by a police officer, council officer or other person designated by the council. In making the decision to issue a fixed penalty notice, the officer should consider that if issued, payment would discharge any liability to conviction for the offence. However, payment is not made within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the Public Spaces Protection Order).

Under s.50 Police and Reform Act 2002, if a constable in uniform has reason to believe that a person has engaged, or is engaging, in anti-social behaviour, then they may compel that person to provide their name and address. Failure to do so, or providing a false or inaccurate name or address, is guilty of an offence and that person shall be liable, on summary conviction, to a fine not exceeding level 3.

Appeals: Any challenge to the Public Spaces Protection Order must be made in the High Court by an interested person within six weeks of it being made. An “interested person” is someone who lives in, regularly works in, or visits the restricted area. The right to challenge the validity of the order will also exist where an order is varied by a council. An “interested person” will be excluded from challenging the validity of the Order (including a decision to vary the order) by way of judicial review (see: s.66(7) of the 2014 Act). Other persons who fall outside the definition of an “interested person” will have the right to bring a judicial review to challenge the lawfulness of the use of the power to make the PSPO.

Interested persons can challenge the validity of an Order on two grounds. They could argue that the council did not have power to make the order, or to include particular prohibitions or requirements imposed by the order. In addition, the interested person could argue that one of the requirements (for instance, consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the Public Spaces Protection Order pending the verdict in part or in totality. The High Court will have the power to uphold the Public Spaces Protection Order, quash it, or vary it.

Enforcement: Although Public Spaces Protection Orders are made by the council in an area, enforcement is the responsibility of a wider group. Council officers are able to enforce the restrictions and requirements, as are other groups that they designate, including officers accredited under the community safety accreditation scheme. In addition, police officers can enforce Public Spaces Protection Orders.

Transition of existing orders to Public Spaces Protection Orders

Section 75 of the Anti-social Behaviour, Crime and Policing Act 2014 sets out that where a Gating Order, Dog Control Order or Designated Public Place Order was still in force three years from commencement of the Act (i.e. on 20 October 2017) the provisions of such an order would automatically be treated as if they were provisions of a Public Spaces Protection Order. The transitioned Order would then remain in force up to a maximum of three years from the point of transition i.e. 2020.

Section 75(3) of the Anti-social Behaviour, Crime and Policing Act 2014 treats transitioned orders as Public Spaces Protection Orders that have already been made. The consultation, notification and publicity requirements in section 72(3) of the Act apply before a Public Spaces Protection Order has been made; the obligation under section 59(8) of the Act to publish arises once a Public Spaces Protection Order has been made.

Councils are not required to undertake a new consultation (or associated publications, and notifications, set out in section 72(3) of the Act) where a Gating Order, Dog Control Order or Designated Public Place Order automatically transitions to a Public Spaces Protection Order after October 2017.

However, local councils should publish the Public Spaces Protection Order online when the Gating Order, Dog Control Order or Designated Public Place Order transitions in order to make the public aware of the specific provisions of the Public Spaces Protection Order.

It will be for local councils to consider what changes to signage are necessary to sufficiently draw the matters set out in Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulation 2014 to members of the public's attention.

Any extension, variation or discharge of a transitioned Public Spaces Protection Order would mean that the local council would need to carry out the necessary consultation and publication as required under section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014.

2.6 Expedited Public Spaces Protection Order (E-PSPO)

Purpose	Designed to allow local authorities to take rapid action to protect those who work at and use schools, vaccination site and NHS Test and Trace/Test, Trace, Protect sites, from the harm that some protests targeting these sites have been able to cause.
Who can make an Expedited PSPO	Local Authorities can make an Expedited Public Space Protection Order without prior consultation and with the consent of: <ul style="list-style-type: none"> the chief officer of police for the police area; for orders imposed in the vicinity of a school, a person authorised by the appropriate authority for the school in question; for orders imposed in the vicinity of a vaccination or NHS Test and Trace site, a person authorised by the appropriate NHS authority.
Test	Activities that are part of the test for making an Expedited PSPO: <ul style="list-style-type: none"> be in the course of a protest or demonstration; be in a public space within the vicinity of a school, vaccine or NHS Test & Trace/ Test, Trace, Protect site; has had or is likely to have the effect of harassing or intimidating staff or volunteers at the school or site, or persons using the services of the school or site; or impeding the provision of services by staff or volunteers at the school or site, or the access of persons seeking to use the services of the school or site; the effect is, or is likely to be, persistent or continuing in nature; and the effect is, or is likely to be, unreasonable
Details	<ul style="list-style-type: none"> Can last up to 6-months. Restrictions and requirements are set by the local authority. These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. Can restrict access to public spaces within the vicinity of schools, vaccination and NHS Test & Trace/ Test, Trace, Protect sites. Can be enforced by a police officer and council officers. The council must carry out a consultation as soon as reasonably practicable after making an expedited order.
Penalty on breach	<ul style="list-style-type: none"> Breach is a criminal offence. Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. A fine of up to level 3 on prosecution.
Appeals	<ul style="list-style-type: none"> Anyone who lives in, or regularly works in or visits the area can appeal an Expedited PSPO in the High Court within six weeks of issue. Further appeal is available each time the Expedited PSPO is varied by the council.
The legislation	<ul style="list-style-type: none"> Sections 59A to 74 of the Anti-social Behaviour, Crime and Policing Act 2014 as amended by sections 82 of, and Schedule 7 to, the Police, Crime, Sentencing and

Courts Act 2022 (section 82 of the 2022 Act inserted new sections 59A, 60A, 72A and 72B into the 2014 Act).

Protecting the vulnerable

- Consideration should be given to how the use of this power might impact on the most vulnerable members of society.
- Consideration should be given to how use of this power might impact on individuals' rights under the European Convention on Human Rights.
- Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to.
- There is value in working in partnership to resolve ongoing problems and find long term solutions.

Purpose

Expedited Public Spaces Protection Orders are intended to protect the public from harm that some protests in the vicinity of schools, vaccination centres and NHS Test & Trace (T&T) sites in England or Test, Trace, Protect (TTP) sites in Wales cause. They are intended to help ensure that both the public using services at these sites and the staff and volunteers providing these services, can do so free from intimidation, harassment and impediment of access or provision of services.

An Expedited Public Spaces Protection Order can only be used when specific conditions are met and should not be used as a tool to deal with wider anti-social behaviour or to stop non-disruptive or non-harmful protests.

Given that these orders can restrict someone's right to protest in the vicinity of these sites, it is important that the restrictions imposed are focused on specific and persistent activities that are having a detrimental effect on those using or working at these specific sites. These restrictions must be proportionate and necessary to prevent the behaviour in question from continuing, occurring or recurring.

Who can make an Expedited PSPO?

Similarly to regular Public Spaces Protection Orders, councils are responsible for making Expedited Public Spaces Protection Orders. Full details can be seen in section 2.5.

Details

The legal tests: The legal tests focus on the impact that activities is having on those providing and accessing the services of NHS T&T or TTP sites, vaccination centres, and schools. An Expedited Public Spaces Protection Order can be made by the local authority if they are satisfied on reasonable grounds that the following conditions have been met:

- The public place is in the vicinity of:
 - A school in the local authority's area;
 - A site in the local authority's area which provides vaccines to the public;
 - A site in the local authority's area which provides NHS T&T or TTP services.
- That activities carried out, or likely to be carried out, by individuals in the course of a protest or demonstration in the public place have had, or are likely to have, the effect of:
 - Harassing or intimidating members of the public using the services of the school or site; or impeding their access to the school or site;

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- Harassing or intimidating staff or volunteers at the school or site; or impeding the provision of services by them.
- That the effect or likely effect mentioned above is:
 - Is, or likely to be of, a persistent or continuing nature;
 - Is, or is likely to, be unreasonable; and
 - Justifies the restrictions imposed by the expedited order.

Choosing whether an Expedited Public Spaces Protection Order is the right approach for responding to disruptive activities, harassment and intimidation at the sites in scope should be the first step of an effective response.

Where it can apply? The council can make an expedited order only on public spaces within its own area that is in the vicinity of a school, vaccination centre or NHS T&T or TTP site. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example during a school open day.

Schools are taken to include institutions providing primary education, secondary education, or both primary and secondary education.

When can it apply? Councils may not make an expedited order on a particular area if that area has been subject to an expedited order within the last year. Similarly, an expedited order cannot be made on an area which has been subject to a regular Public Spaces Protection Order within the last year which prohibited or required anything which an expedited order could prohibit or require.

Consultation and working with partners: Before making, varying, extending or reducing, or discharging an order the council must obtain consent from relevant authorities. Where the order is in the vicinity of a school, they must obtain consent from:

- the leadership of the school; and
- the chief officer of the police area.

When the order is in the vicinity of a vaccination, T&T or TTP site, councils must obtain consent from:

- the responsible NHS body; and
- the chief officer of the police area.

Unlike regular Public Spaces Protection Orders, there are no consultation requirements before making an Expedited Public Spaces Protection Order. The local authority must carry out a consultation as soon as reasonably practical after the expedited order is made.

The local authority must consult:

- the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- whatever community representatives the local authority thinks it appropriate to consult;
- the owner or occupier of land within the restricted area.

Openness and accountability: As soon as reasonably practicable after making, extending or reducing, varying, or discharging an expedited order, the council must carry out the necessary notification (if any) in accordance with section 72(B) of the Anti-social Behaviour, Crime and Policing Act 2014. The council must also carry out the necessary publication in accordance with regulations made by the Secretary of State – this includes publishing the order as made, extended, reduced or varied on its website and erect a notice or notices of the expedited order. The notice must sufficiently

draw the attention of any member of the public using the place. The same publishing procedure and notice erection applies to where an order is discharged and the date on which it ceases to have effect.

What to include in an expedited Public Spaces Protection Order. These orders can restrict individuals' freedoms of expression and assembly. It is important that the restrictions imposed are proportionate and justify the restriction of these freedoms. Restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause. They should be necessary to prevent harmful behaviour from continuing, occurring or recurring.

Duration of an expedited order: An Expedited Public Spaces Protection may not last more than six-months. The length of an expedited order can be reduced or extended within this limit by the council. Following the expiration of an expedited order, no further expedited order can be made in relation to a place where the earlier order took effect, until one year following the expiry of the earlier order. This includes any earlier PSPO which neither prohibited nor required anything that could not have been prohibited or required by an expedited order.

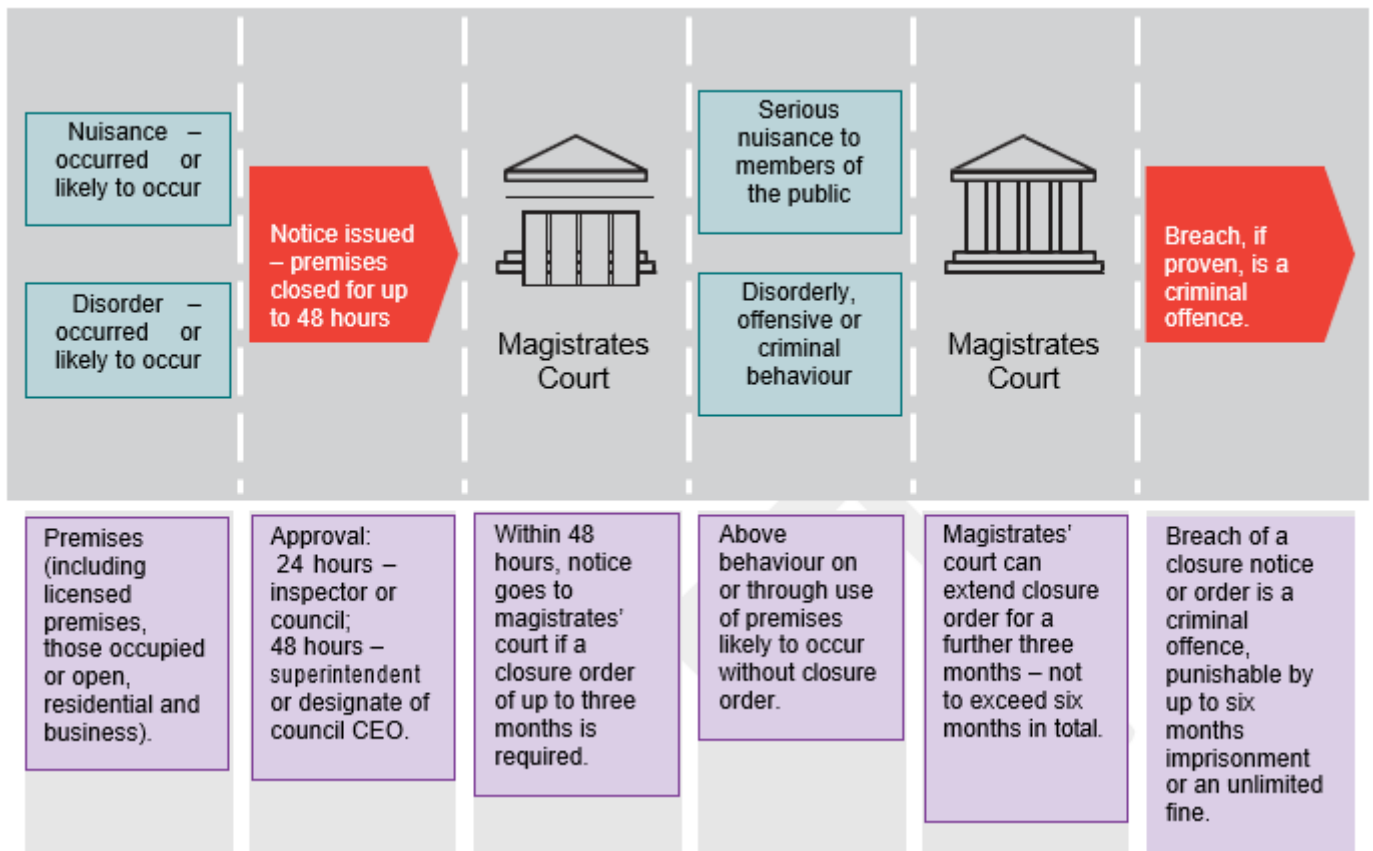
Changing the terms of an Expedited Public Spaces Protection Order: The terms of an Expedited Public Spaces Protection Orders can only be varied to address behaviour within the scope of these orders. Similarly, to when making an expedited order, there are no consultation requirements for varying an order. However, the council must receive consent from the relevant authorities as when making an order.

Restricting access, penalty on breach, appeals and enforcement: The guidance in section 2.5 for regular Public Spaces Protection Orders on restricting access, penalties on breach appeals and enforcement also apply to expedited Public Spaces Protection Orders.

2.7 Closure Power

Purpose	To allow the police or council to close premises quickly which are being used, or likely to be used, to commit nuisance or disorder.
Applicants	<ul style="list-style-type: none"> Local council. County Council (only in Wales and only in England if there is no district council in the area) Police.
Test	<p>The following has occurred, or is likely to occur, if the closure power is not used:</p> <p>(a) Closure Notice (up to 48 hours):</p> <ul style="list-style-type: none"> Nuisance to the public; or Disorder near those premises. <p>(b) Closure Order (up to six months):</p> <ul style="list-style-type: none"> Disorderly, offensive or criminal behaviour on the premises; Serious nuisance to the public, or Disorder near the premises.
Details	<ul style="list-style-type: none"> A police officer or local authority can issue a Closure Notice. Following from this the Closure Order can be applied for no later than 48 hours after service through the courts. Notice: can close premises for up to 48 hours out of court but cannot stop owner or those who habitually live there accessing the premises. Order: can close premises for up to six months and can restrict all access. Both the Notice and the Order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.
Penalty on breach	<p>Breach is a criminal offence.</p> <ul style="list-style-type: none"> Notice: Up to three months in prison. Order: Up to 51 weeks in prison. Both: Up to an unlimited fine for residential and non-residential premises.
Who can appeal	<ul style="list-style-type: none"> Any person who the Closure Notice was served on; Any person who had not been served the Closure Notice but has an interest in the premises; The council (where Closure Order was not made and they issued the notice); The police (where Closure Order was not made and they issued the notice).
The legislation	Sections 76 to 93 of the Anti-social Behaviour, Crime and Policing Act 2014

Closure Power



Purpose

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

Applicants

The power comes in two stages; the Closure Notice and the Closure Order which are intrinsically linked. The Closure Notice can be used by the council or the police out of court.

Following the issuing of a Closure Notice, an application must be made to the magistrates' court for a Closure Order, unless the closure notice has been cancelled.

Details

The legal tests: A Closure Notice can be issued for 24 hours if the council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

- that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or

- that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The Closure Notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the council's chief executive officer (head of paid service) or designate thereof, or by a police superintendent.

A Closure Order can subsequently be issued if the court is satisfied:

- 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
- 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
- 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 that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

A Closure Notice cannot prohibit access in respect of anyone who habitually lives on the premises. This means that the notice cannot prohibit those who routinely or regularly live at those premises. It is therefore unlikely to disallow access to, for example, students who live away from the family home for part of the year but routinely return to the family home or those who spend the majority of the week living at the pub in which they work. However, a Closure Order, granted by the court, can prohibit access to those who routinely live at the premises.

In prohibiting access through a Closure Notice it will be important to consider who is responsible for the premises and who may need access to secure the premises. This might not always be the owner, for example an individual managing premises on behalf of an owner who lives abroad may need to secure the premises on their behalf.

Approvals: The level or role of employee within the council who can issue a notice for up to 24 hours has not been specified due to the different structures in place in different areas.

In considering who should be authorised as designates of the chief executive officer for the issuing of the 48-hour notice, councils will also want to consider who is delegated to issue the Closure Notice for 24 hours and consider whether the extension to 48 hours should be authorised by an officer of greater seniority, as is the case for the police. This may take into consideration the need for the power to be used quickly, its flexible nature, and equivalent requirement for a police inspector to issue a Closure Notice for 24 hours.

Notifications: With every issue of a Closure Notice, an application must be made to the magistrates' court for a Closure Order. Where the intention is to cancel the notice prior to the end of the 48-hour period because a Closure Order or a temporary order is not deemed

necessary, this should be communicated to the court on application for a hearing for the Closure Order.

The police and council will want to consider when the courts will be able to hear the application for the Closure Order. The courts are required to hear the application within 48 hours of the service of the Closure Notice. This 48-hour period for the courts excludes Christmas day. To avoid undue pressure on the courts to hear applications for Closure Orders within 48 hours of serving the Closure Notice, careful thought should be given as to exactly when to serve the Closure Notice. Where possible, it is advisable to liaise with the court's listing office before serving the Closure Notice so that victims can be effectively protected at the earliest opportunity.

Putting victims first: The issuing body should undertake to inform the victim of the anti-social behaviour of the Closure Notice and to inform them of the details of the Closure Order hearing where possible and appropriate.

Temporary orders: Courts can consider giving an extension of the Closure Notice if required. This can be considered as an option by the magistrates' court at the hearing for the Closure Order. The court can order a Closure Notice to stay in force for a further 48 hours if it is satisfied that this meets the test required for a Closure Notice.

A court may also order that a Closure Notice continue in force for a period of not more than 14 days in circumstances where the hearing is adjourned. A hearing can be adjourned for no more than 14 days to enable the occupier or anyone with an interest in the premises to show why a Closure Order should not be made.

Partnership working: Consultation is required as part of the Closure Notice. Before issuing a notice, the police or council must ensure that they consult with anyone they think appropriate. This should include the victim but could also include other members of the public that may be affected positively or negatively by the closure, community representatives, other organisations and bodies, the police or local council (where not the issuing organisation) or others that regularly use the premises. There may also be people who use the premises as access to other premises that are not subject to the closure notice but may be impacted on by the closure.

The method of consultation will depend on the situation and urgency. The police or council will want to consider how to keep a record of those consulted in case challenged at a later date (for instance, as part of a court case).

What to include in a Closure Notice? The Closure Notice should:

- identify the premises;
- explain the effect of the notice;
- state that failure to comply with the notice is an offence;
- state that an application will be made for a closure order;

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- specify when and where the application will be heard;
- explain the effect of the closure order; and
- give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

Information should be displayed clearly in simple language, avoiding the use of jargon.

Putting victims first: It is not necessary to include information about those consulted within an order so as to protect those who may have made a complaint from any retribution. However, the officer issuing the Closure Notice should keep a record of those consulted.

Access: There may be times where the closure of premises through a Closure Order has a wider impact. An item may have been left in the premises or access has become restricted to other premises. Where an item has been left on premises it is expected that the police and local council will use their discretion in either allowing access temporarily to enable the individual to retrieve their item or retrieving the item on their behalf. Where an individual access' the premises themselves without communication to the police or council they commit an offence unless they have a reasonable excuse. It is therefore sensible for the police and council to have clear communication with individuals affected.

Where a Closure Order restricts access to other premises or part of other premises that are not subject to a Closure Order the individuals affected will be able to apply to the appropriate court to have the order considered. The court may make any order that it thinks appropriate. This may be a variation order to vary the terms of the order or it could cancel the order if considered inappropriate for it to remain in place.

An authorised person may enter the premises in respect of which a closure order is in force, including to secure it against entry. Where a police constable has made the order, an authorised person is a constable or a person authorised by the chief officer of police for the area in which the premises are situated. Where a local authority has made the order, an authorised person is a person authorised by that local authority.

There is no absolute requirement for local authorities always to provide alternative accommodation; it will be fact specific to the particular situation. Local authorities should take advice from housing lawyers before issuing a closure order which could make any individuals homeless.

Penalty on breach: An offence is committed when a person, without reasonable excuse, remains on or enters premises in contravention of a Closure Notice or a Closure Order.

Closure Notice and temporary order: Breaching a Closure Notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

Closure Order: Breaching a Closure Order is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.

Obstruction: It is a criminal offence to obstruct a police officer or local council employee who is:

- serving a Closure Notice, cancellation notice or variation notice;
- entering the premises; or
- securing the premises.

This offence carries a penalty of either imprisonment for a period of up to three months or an unlimited fine, or both.

Who can appeal: A Closure Notice cannot be appealed. A Closure Order can be appealed. Appeals are to the Crown Court and must be made within 21 days beginning with the date of the decision to which the appeal relates.

An appeal against the decision to issue the order may be made by:

- a person who was served the Closure Notice; or
- anyone who has an interest in the premises upon whom the notice was not served.

Where the court decides not to issue a closure order the following may appeal:

- the police may only appeal where they issued the Closure Notice;
- the local council may only appeal where they issued the Closure Notice.

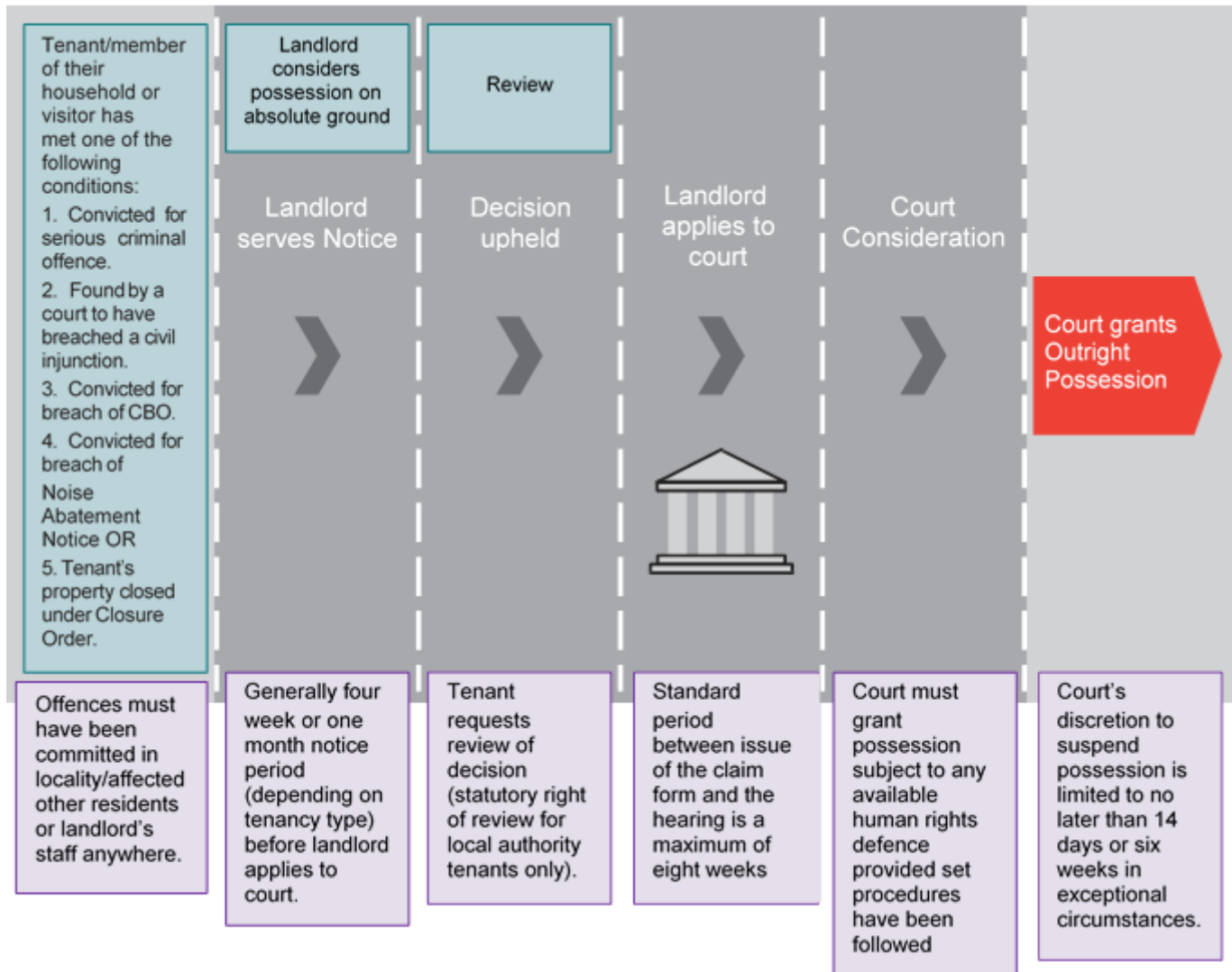
On appeal, the Crown Court may make whatever order it thinks appropriate. If the premises is licensed the court must inform the licensing authority. It should also be considered whether it is appropriate and possible to update the victim on the progress of the case.

Non-statutory Guidance

2.8 Absolute ground for possession

Overview	The 2014 Act introduced a new absolute ('mandatory') ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.
Purpose	The absolute ('mandatory') ground expedites the eviction of landlords' most anti-social tenants to bring faster relief to victims.
Applicants / Who can use the new ground	<ul style="list-style-type: none"> • Social landlords (local authorities and housing associations). • Private rented sector landlords.
Test	<p>The tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:</p> <ul style="list-style-type: none"> • convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985); • found by a court to have breached a civil injunction; • convicted for breaching a criminal behaviour order (CBO); • convicted for breaching a noise abatement notice; or • the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.
Details	<ul style="list-style-type: none"> • Offence/breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality or affected the landlord or their staff/contractors; • Secure tenants of local housing authorities will have a statutory right to request a review of the landlord's decision to seek possession. Private registered providers of social housing in England, and Registered Social Landlords and stock holding local authorities in Wales are encouraged to adopt a similar practice. • Private landlords subject to licensing regimes (such as selective licencing, or for a House in Multiple Occupation) must take reasonable steps to manage ASB and may be required to take steps to reduce any ASB. They may also have to follow a reasonable anti-social behaviour policy
Result of action	<ul style="list-style-type: none"> • If the above test is met, the court must grant a possession order (subject to any available human rights defence raised by the tenant, including proportionality), where the landlord is a social landlord) where the correct procedure has been followed.
Important changes/differences	<ul style="list-style-type: none"> • Unlike the discretionary grounds for possession, the landlord is not required to prove to the court that it is reasonable to grant possession. This means the court is more likely to determine cases in a single, short hearing; • This offers better protection and faster relief for victims and witnesses of anti-social behaviour, saves landlords costs, and frees up court resources and time; • It provides flexibility for landlords to obtain possession through this route for persistently anti-social tenants; • The court cannot postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances and cannot postpone for later than six weeks in any event.
The legislation	<p>Sections 94 to 100 of the Anti-social Behaviour, Crime and Policing Act 2014 Schedule 2, Part I of the Housing Act 1988 Section 84A of the Housing Act 1985</p>

Absolute ground for possession



Overview

Prevention and early intervention should be at the heart of all landlords' approaches to dealing with anti-social behaviour.

Purpose

Prevention and early intervention should be at the heart of all landlords' approaches to dealing with anti-social behaviour. However, the mandatory ground for possession was introduced to speed up the possession process in cases where anti-social behaviour or criminality has been already been proven by another court. This strikes a better balance between the rights of victims and perpetrators and provides swifter relief for those victims. The mandatory ground for

possession is intended to be used in the most serious cases and landlords are encouraged to ensure that the ground is used selectively.

Details

Informing the tenant: Landlords should ensure that tenants are aware from the commencement of their tenancy that anti-social behaviour or criminality either by the tenant, people living with them, or their visitors could lead to a loss of their home under the absolute ground.

Applicants: The mandatory ground is available for secure and assured tenancies and can be used by both social landlords and private rented sector landlords. Private rented sector landlords are also able to use the 'no fault' ground for possession, in section 21 of the Housing Act 1988, where this is available. This does not require the tenant to be in breach of any of the terms of their tenancy and, therefore, does not require the landlord to show that it is reasonable to grant possession as long as the relevant notice has been served. However, the 'no fault' ground can only be used at the end of the fixed term of the tenancy, which must be at least six months from the initial inception of the tenancy. The mandatory ground should assist private rented sector landlords to end tenancies quickly in cases of serious anti-social behaviour or criminality that occur during the fixed term of an assured short-hold tenancy.

The legal tests: The court must grant possession (subject to any available human rights defence raised by the tenant, including proportionality, where the landlord is a social landlord) provided the landlord has followed the correct procedure and at least one of the following 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 anti- social behaviour; 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.

The offence or anti-social behaviour must have been committed in, or in the locality of, the property, affected a person with a right to live in the locality of the property or affected the landlord or the landlord's staff or contractors.

Serious offences for this purpose include, for example: violent and sexual offences and those relating to offensive weapons, drugs and damage to property. A list of the relevant offences is found in Schedule 2A to the Housing Act 1985.

The ground is available to landlords in addition to the discretionary grounds for possession set out in Schedule 2 to the Housing Act 1985 for secure tenants and Schedule 2 to the Housing Act 1988 for assured tenants. Landlords are able to choose to use the absolute ground, in addition to or instead of the discretionary grounds for anti-social behaviour where one or more of the five conditions are met.

Partnership working: Close working relationships with the police, local councils and other local agencies are important to ensure that the landlord is always aware when one or more of the triggers for the absolute ground has occurred.

Secured and Assured Tenancies

Secure tenants are generally tenants of local councils. Apart from the absolute ground, secure tenants can be evicted from their property through discretionary grounds for possession in Schedule 2 to the Housing Act 1985.

Tenants of housing associations generally have **non-shorthold assured tenancies**. They can be evicted under mandatory grounds for possession provided for in Schedule 2 to the Housing Act 1988 (for example, for rent arrears) as well as discretionary grounds for possession. Housing association tenants may have assured shorthold tenancies in some instances. Where this is the case the landlord can use section 21 of the Housing Act 1988 as well as the grounds for possession in Schedule 2.

Private rented sector tenants generally have **assured shorthold tenancies**

Notice requirements: In order to seek possession under the absolute ground, landlords must serve a notice of the proceedings on the tenant, either:

- within 12 months of the relevant conviction or finding of the court being relied on (or if there is an appeal against the finding or conviction within 12 months of the appeal being finally determined, abandoned or withdrawn); or
- within 3 months where the tenant's property has been closed under a closure order (or if there is an appeal against the making of the closure order, within three months of the appeal being finally determined, abandoned or withdrawn).

The minimum notice period for periodic tenancies is four weeks, or the tenancy period (i.e. the rent period) if longer. In the case of a fixed term tenancy the minimum notice period is one month. The notice is valid for 12 months.

The notice must include the following information:

- 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 within 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.

If the landlord wishes to seek possession on one or more of the discretionary grounds as well, they must also specify and give details of the relevant discretionary ground/s in the notice.

There are no prescribed forms of notice for the absolute ground for secure tenancies. In the case of secure tenancies, section 83ZA of the Housing Act 1985 (inserted by section 95 of the Anti-social Behaviour, Crime and Policing Act 2014) specifies that prescribed information must be contained in the notice. However, there is a prescribed form for Notices Seeking Possession under ground 7A in Schedule 2 to the Housing Act 1988, which applies to assured and assured shorthold tenancies.

The provisions of section 83ZA (4) also makes clear that where possession of a secure tenancy is being sought under the absolute ground as well as one of the grounds in Schedule 2 of the 1985 Act, the notice need not be served in a form prescribed by regulations as required by section 83 of the 1985 Act but should follow the requirements of section 83ZA in such circumstances.

In the case of assured tenancies, section 97 of the Anti-social Behaviour, Crime and Policing Act 2014 has amended section 8 of the 1988 Act to modify the notice requirements for possession under assured tenancies to take account of the absolute ground.

The court has no power to dispense with service of a notice for possession under the absolute ground. Therefore, where a landlord decides to seek possession for anti-social behaviour on the absolute ground alongside one or more of the discretionary grounds, the court will not be able to dispense with the notice as they would have been able to do if the possession was sought solely on the discretionary ground.

The review procedure:

- Local council tenants have a statutory right to request a review of the landlord's decision to seek possession under the new absolute ground.
- The request for a review must be made in writing within seven days of the notice to seek

Anti-social behaviour powers – Statutory guidance for frontline professionals

possession being served on the tenant.

- The review must be carried out before the end of the notice.
- The landlord must communicate the outcome of the review to the tenant in writing.
- If the decision is to confirm the original decision to seek possession, the landlord must also notify the tenant of the reasons for the decision.
- If the review upholds the original decision, the landlord will proceed by applying to the court for the possession order.
- The statutory review procedure does not apply to housing associations tenants. However, we expect housing associations to offer a similar non-statutory review procedure (in the same way that they have done for starter tenancies for example).

Putting victims first: In preparation for the court process, landlords should consider:

- reassuring victims and witnesses by letting them know what they can expect to happen in court;
- using professional witnesses where possible; and
- taking necessary practical steps with court staff to reassure and protect vulnerable victims and witnesses in court (e.g. the provision of separate waiting areas and accompanying them to and from court).

A private rented sector landlord may be required to follow an Anti-Social Behaviour policy, or to take reasonable steps to manage ASB, if their property is licenced. Tenants can find out if their property is licenced by contacting the local housing authority.

Landlords should also consider providing support/protection for victims and witnesses out of court, at home, and beyond the end of the possession proceedings when necessary.

Court hearing and defences: Tenants are entitled to a court hearing. As with other grounds of possession, tenants of public authorities or landlords carrying out a public function are able to raise any available human rights defence, including proportionality, against the possession proceedings.

The court will consider whether such a defence meets the high threshold of being 'seriously arguable' established by the Supreme Court. Subject to any available human rights defence raised by the tenant, the court must grant an order for possession where the landlord has followed the correct procedure.

Suspension of possession order: The court may not postpone the giving up of possession to a date later than 14 days after the making of the order; unless exceptional hardship would result in which case it may be postponed for up to six weeks.

Important differences

Unlike with the discretionary grounds for possession, landlords do not need to prove to the court that it is reasonable to grant possession. This means that the court will be more likely to determine cases in a single hearing, thereby expediting the process.

The mandatory ground is an additional tool which provides more flexibility for landlords but is applicable only in limited circumstances – where a court has already found a tenant or member of their household guilty of anti-social behaviour or criminality in the locality of the property.

The court has no power to dispense with service of a notice for possession under the mandatory ground as they can do under the discretionary ground for anti-social behaviour.

Local council tenants have a statutory right to request a review of the landlord's decision to seek possession under the absolute ground. We expect housing associations to make a similar non-statutory review procedure available to their tenants.

The court only has the discretion to suspend a possession order made under the absolute ground to a date no later than 14 days after the making of the order (unless it appears to the court that exceptional hardship would be caused, in which case it may be postponed to a date no later than six weeks after the making of the order).

Annex A- Data sharing guidance

Addressing anti-social behaviour (ASB) often includes a range of partners and it is most effectively tackled using a multi-agency response. The ASB principles highlight the ambition for agencies and practitioners to work across boundaries to identify, assess and tackle ASB. Lawful data sharing has an important role within this process.

UK GDPR⁶ and DPA 2018⁷ are the principal legislation governing the process of data relating to individuals. The ICO's guide to the GDPR can be found on the ICO website⁸.

Article 5 of the GDPR sets out seven key principles which lie at the heart of the general data protection regime. Article 5(1) requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

⁶ UK GDPR- <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

⁷ DPA 2018 – <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

⁸ ICO guide to GDPR – <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

The lawful bases for processing, that can be found on the ICO website, are replicated here:⁹

- **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- **Vital interests:** the processing is necessary to protect someone's life.
- **Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law
- **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

It is the responsibility of agencies to consider their role in relation to data sharing as part of the response to ASB. Information governance and legal teams should be engaged where deemed appropriate to ensure data sharing is necessary, proportionate and legal. Organisations should also document the nature, basis and agreement of data sharing in line with the GDPR principle of accountability. This will include having data sharing agreements in place among all the parties involved that are regularly updated and signed-off at the appropriate level.

⁹ <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

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Anti-Social Behaviour (ASB) FAQs



City of Westminster

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What is Anti-Social Behaviour (ASB)?

ASB is used as a broad term to describe behaviour that may affect your quality of life and the peaceful enjoyment of your home. It can include unacceptable levels of noise, verbal abuse, harassment, drug and alcohol misuse and other behaviour that causes or is likely to cause harassment alarm or distress.

Our ASB team will investigate every report they receive but some issues will be difficult to progress if we are unable to identify the person(s) responsible, so we need as much information as possible when an ASB report is made.

Why do I need to report ASB?

We take all reports of ASB seriously and will work with you and relevant agencies to try and resolve the issue, but we cannot do this without your help. Your reports give us the information and evidence that we need to take action to stop the ASB from happening.

Without this we are unable to understand what you are going through and how often something is happening. We can also share your information with our partners, like the police, in appropriate circumstances so that they can also investigate the problem swiftly and work with us to resolve it. Any action we take is in line with our policy and procedures – and we need evidence to take this forward.

Your reports also help us to understand if someone may need help or be at risk. It's important for our service to understand how our residents and communities are being affected.

How can I report ASB?

All reports of ASB made to Westminster housing can be made through one of the following:

- Telephone – you can call us at **0800 358 3783**
- Email – you can also email us at **housing.enquiries@westminster.gov.uk**

- Online – you can type into any search engine 'report anti-social behaviour-Westminster housing' where you can complete an online form.
- Your online MyWestminster housing portal – if you are registered to the portal, you can report ASB here which will provide you with your unique case reference number. You can also use your reference number to update your case at **westminster.gov.uk/yourhousing/report**

If you are experiencing ASB that is concerning and it is outside of office hours, we strongly encourage you to report this to the police. You can report ASB to the police by:

- Phoning **101** for a non-urgent matter.
- Phoning **999** if its urgent and a crime is taking place.
- Reporting online to the police through their Metropolitan police website at **met.police.uk/ro/report/asb/asb/report-antisocial-behaviour**
- You can also report crime anonymously to Crimestoppers at **crimestoppers-uk.org**

What happens after I report ASB to Westminster Housing?

If you make a report via our Housing Enquiries team, we aim to contact you within two working days to agree an action plan with you. We will then send you 'our promise to you' letter that will confirm the details of your call and the action plan. We will then make weekly contact with you to check the situation while the case remains open, although this can be tailored to your needs.

Is anyone else informed about my report?

All reports are stored on our internal case management system and can only be viewed by internal staff. We can record anonymous reports but this will mean that our case officer will not be able to update you on actions being taken to resolve the report.

If you provide consent for us to speak to the alleged perpetrator (person(s) causing ASB), they may assume where the report came from, but we will never disclose your details.

If we are concerned for your safety or for someone else's safety, we have a duty to make the relevant services aware of this, but we will always attempt to discuss this with you first.

What actions do you take when I have a case open?

Your ASB case officer will speak with you first and agree initial actions such as further evidence gathering, door knocks to other residents, or speaking with relevant partners. The actions after this will depend on the information we have gathered, the risk to residents at that time and how frequent the issues are happening.

If we have evidence that the ASB is taking place, your ASB case officer will try to resolve this by taking informal action. Legal action is always a last resort after all other attempts to resolve a case have been tried and failed, and the matter is so serious that legal action is agreed as necessary and proportionate.

In the vast majority of cases our early interventions are successful and the ASB is addressed without legal action. It is always important to provide the person causing nuisance the chance to change their behaviour, and just by bringing it to their attention can often stop the behaviour.

Early interventions may include:

- Warnings (Verbal or written).
- Visits with partners, for example the police.
- Acceptable behaviour agreements (ABA).
- Mediation referrals.
- Practical deterrents such as lighting or CCTV.

Legal powers we take may include:

- An Injunction, which may include excluding someone from entering a specific location.
- Working with partners for a closure order or a partial closure order on a property.
- Tenancy enforcement including possession proceedings.

We have an agreed policy and procedure where you can find more information on our tools and powers at [westminster.gov.uk/housing/tenants/report-anti-social-behaviour-or-tenancy-fraud-westminster-housing-residents/report-anti-social-behaviour-westminster-housing-residents](https://www.westminster.gov.uk/housing/tenants/report-anti-social-behaviour-or-tenancy-fraud-westminster-housing-residents/report-anti-social-behaviour-westminster-housing-residents)

Will I be updated about the actions during the case?

Your 'our promise to you' letter will state the agreed method of contact (email/ phone/in person) and how often you will have contact during the case, it will also list the first steps that will be taken.

Our aim is to contact you weekly. We cannot agree to contact that is more frequent than weekly. This is to ensure to ensure all ASB reports are provided with a fair and consistent service.

How long is my case kept open?

We will keep your case open while we are actively trying to resolve your ongoing reports. We will review your case after 30 days and then again after 60 days in line with our ASB procedure. We will send you an updated action plan detailing actions already taken and the next steps. We will only keep cases open beyond 60 days where we are actively taking further action.

When is my case closed?

Your case will be closed when we have resolved the ASB or when we are no longer receiving reports or any evidence. You will be contacted before your case is closed.

I'm worried the problem will start again if you close my case, can my case stay open forever?

We appreciate that you may be concerned about a problem starting again, but each case that is open on our system relates to that current incident or issue at that time. We cannot keep a case open continuously if all actions have been completed or the problem has stopped. Your case will remain on the system to view by internal staff even when it is closed.

We can assure you that even if a case is closed, you can always contact us again and have the case reopened if the problem reoccurs. Your ASB case officer will always contact you before your case is closed.

I am having problems with my neighbour, what can I do?

Complaints may arise around household noise such as children playing, doors closing, and furniture being moved. In most cases, these issues are not considered ASB. At the start of these type of cases, you will be encouraged you to try and resolve the problem yourself if you feel comfortable to. Some of these options may include:

- Using 'dear neighbour' cards. These are cards that can be collected from your nearest area service centre, or downloaded from our website at westminster.gov.uk/housing/leaseholders/report-anti-social-behaviour
- The cards can be dropped off anonymously to let your neighbour know they may have caused a problem to someone else.

- A referral to our external mediation service so you can have a one-on-one mediation session with a trained mediator, or you can have a mediation session with your neighbour that is facilitated by the trained mediator (see **'What is mediation'** for more details).
- Your housing officer or case officer may be able to help you to speak to your neighbour about the problems if this is something you would like us to do. In these situations we will look at this option on a case by case basis.

What is mediation?

Mediation is a process in which a neutral and independent trained person helps people in dispute work out an agreement. We use an independent mediation service.

Mediation can help resolve disputes involving noise, children, rubbish, parking, animals and in some harassment cases. If residents do not speak English, the mediators will try to match them with someone who speaks their own language.

The advantages of mediation are:

- It can help stop disputes escalating, and can also help avoid more serious action being taken, including legal action.
- It can help stop disputes escalating and taking up a lot of management time.
- It can help neighbours understand each other.
- It can provide a speedy solution to disputes.
- It is provided at no cost to those involved in dispute.

Where there is a case that could possibly be resolved through mediation, the officer speaks to both neighbours to get their agreement. Mediation is totally confidential and once it has started, no specific details of the mediation will be shared with housing staff unless you want it to be.

Is all noise considered Anti-Social Behaviour?

Complete silence in a city is unrealistic and it is common for residents to hear their neighbours and children. Problems often arise when people act without thinking about their neighbours and other residents living nearby. Reports about household noise such as children playing, doors closing, and furniture being moved would not be considered as ASB.

We encourage you to speak to your neighbour if you are experiencing noise, see '**I am having problems with my neighbour, what can I do?**' for more details. There are also some tips available on our website to keep noise down at westminster.gov.uk/planning-building-and-environmental-regulations/noise-pollution/keep-your-noise-down/parties

What types of things are evidence in an ASB case?

If you report ASB to us, you will hear us use the term 'evidence' quite a lot. For us to act against someone, we need to have evidence to show that the allegations made to us are true.

If nuisance is proven to be happening, we will explore all tools and powers available to take appropriate action. Your ASB case officer will complete appropriate actions to gather evidence including speaking to our partners in the council and police.

When people think of 'evidence', they may think of, photos, videos, or recordings. Whilst these types of physical evidence are very strong in a case, it may not always be possible to get these, and we would not encourage you to gather this yourself if it is not safe or appropriate.

Other things that may give evidence include:

- Your case officer speaking to other neighbours in the area to see if they also report similar issues or have any evidence.

- Neighbours reporting the same incidents and the same thing.
- Reports to other agencies and reference numbers that show that incidents have been attended and witnessed.
- Witness statements from professionals and neighbours who have witnessed the ASB.
- Noise recordings through our noise app.
- Information of the incidents from our estate services and cleaning teams.

Can someone be arrested for causing ASB?

Yes, the police have the power to arrest someone and act where the behaviour is criminal. You must call the police if you witness a crime taking place, please see '**How can I report ASB?**'. If the police arrest someone and that person is convicted, this gives your ASB case officer stronger grounds to act against them. We take all ASB, especially behaviour that involves criminal activity on our estates or in our properties very seriously.

If we are taking legal action to seek an injunction we may be able to explore adding a 'power of arrest' to the order, but this is only something that can be granted by a judge at the hearing. A power of arrest means that if the person does not stick to an order and they are caught causing nuisance by the police, they can be arrested for it.

How do you work with the police?

Our ASB case officers work closely with the Safer Neighbourhoods Met policing teams (SNT). The SNT is made up of local police officers based in your ward area, who work together with partners to find useful, long-term solutions to local problems.

Once a month, ASB case officers and your local SNT attend a meeting with partners to discuss high risk ASB cases across our estates. The police also work with case officers to resolve ASB cases by attending visits to residents, walkabouts, and door knocks. To find out who your

Why am I asked for reference numbers?

Reference numbers help your ASB case officer with their investigation. When you make a report to other services such as the noise service or the police, they will provide you with a reference number and this can be used as evidence in your case.

These reference numbers need to be provided to your case officer as soon as possible, this helps the us and the police to quickly manage the issues.

What is a CAD reference number?

When you make a report to the police, they will provide you with a CAD (Computer Aided Dispatch) number. As an example, it will look or sound like CAD 1234/ the date you reported it. This reference is created from the police incident management system and the number on the reference is the exact number of that call on that day.

All information about the incident will be linked to the reference number and it can be easily searched on their system. CAD references can be used as evidence in your ASB case.

What other services do you work with?

We work closely with lots of other agencies and departments. These include the police, mental health teams, adult social care, children's services, Integrated Gangs and Exploitation Unit and also partners outside of the council such as floating support, victim support and drug and alcohol services.

Part of our investigation is to find out if there are other agencies or partners that we can work with to try and resolve ASB. We organise case meetings with our partners so that we can all get around the table and talk about the details of the case to explore different options to try and tackle the ASB.

I don't feel safe in my home, can I move?

We will always work with you to ensure that you are safe at home. In very exceptional circumstances, for example where you are at a high risk of violence, the council has discretion to consider a managed move from your home. If you do not feel safe in your home, please contact Westminster housing as detailed in '**How can I report ASB?**'. Your housing officer will be notified.

Alternative routes for rehousing in Westminster are below, please speak to your housing officer for more information:

- Housing solutions.
- Downsizing.
- Mutual exchange/Homeswapper.
- Flexible ownership.
- Moving to housing for older people.
- Homeownership Westminster.
- Apply for a transfer.
- Home connections.

Details of these options can also be found at [westminster.gov.uk/housing/tenants/moving-out-your-home](https://www.westminster.gov.uk/housing/tenants/moving-out-your-home)

What are my responsibilities?

You are responsible for the behaviour of every member of your household. This includes your children, any visitors, lodgers, or sub tenants, while they are in your home, in any shared area around your home or the surrounding area.

This means that you will be held responsible for others who cause nuisance in your home and the surrounding areas if they are linked to you. Please refer to your tenancy or leasehold handbook for more information at [westminster.gov.uk/housing/tenants/about-your-tenancy/rights-and-responsibilities](https://www.westminster.gov.uk/housing/tenants/about-your-tenancy/rights-and-responsibilities)

How can I report noise nuisance if its outside your opening hours?

Westminster City Council have a 24 hour, 365 days a year noise service.

If you are experiencing continued and persistent loud noise such as DIY, an alarm, music, or a dog barking you can contact the noise service by:

- Telephone – **020 7641 2000**
- Online – **webforms.westminster.gov.uk/report-noise-problem**

If you have provided a mobile number in your report and you have asked to be contacted, you will receive a text message within 45 minutes and will be asked to confirm if the noise is still happening. An environmental health officer will aim to attend the location if you confirm 'yes'. If they witness unreasonable noise, they can take enforcement action which can include serving a noise abatement notice which demands that the noise stops and if it does not stop, they could be prosecuted, or they can apply for a warrant to remove equipment.

Please note if you do not want to be contacted by the noise service, they will not attend the location. The officer will need to be given access by you to be able to witness the noise from inside your home.

The ASB team work closely with the noise service and other partners to ensure that a joined-up approach is considered. It is important that you note down any incidents, including dates, times and any noise service reference numbers and provide this to your case officer.

If the noise service takes enforcement action, your ASB case officer will then explore enforcement action.

How can I record noise?

We encourage you to contact the noise service as detailed in '**How can I report noise nuisance**' so that noise nuisance can be professionally witnessed.

You could record noise from a phone, but it is difficult for your case officer to understand where this noise was coming from and who is being heard, and it can also be tricky to send recordings from your device to your case officer in a secure way.

If you have a case open with the ASB team about noise nuisance and you have a smartphone or mobile device, you will be offered 'The Noise App'. This is an application that can be downloaded on your smartphone or mobile device, and it supports you to record short recordings of noise, it registers where the noise is being recorded from your property and sends it straight to your case officer to review.

For more information about The Noise App, please speak to your ASB case officer.

My neighbour's dog is causing nuisance, what do I do?

If a dog or any other animal is causing noise nuisance, please refer to '**How can I report noise nuisance?**' and '**I am having problems with my neighbour, what can I do?**'

Westminster housing ask all residents to request permission from us if they want to keep a pet, but in some cases, residents will have animals without us knowing. If a resident has a pet that is causing nuisance, we will investigate this further if it is reported to us and other relevant services. Westminster housing work closely with animal warden who can also help with nuisance relating to people's pets.

If you are concerned about a dangerous dog, you must report this to the police, please dial **999** in an emergency or **101** for a non-emergency.

What is cuckooing?

Cuckooing is a new type of crime where criminal gangs exploit vulnerable people. The most common form of cuckooing is where drug dealers take over someone's home and use it to store, use or sell drugs. Signs that this is taking place can include; lots of people coming and going from the property at different times, intercoms and doorbells being rung and an increase in ASB.

If you think this could be happening please call the police. For more detailed information please visit the **Westminster website about Cuckooing**.

I can smell cannabis from another flat when I'm in my home. What can you do about it?

Cannabis is an illegal drug, and the use or supply of cannabis is a crime. All crimes must be reported to the police, details for the police can be found under '**How can I report ASB?**'

If a resident is identified to be smoking or supplying cannabis in their home and this is witnessed by the police, your ASB case officer will explore enforcement action in line with that person's tenancy agreement.

Can you evict my neighbour?

Evicting a resident is always a last resort and will only be considered as an option for cases where there is evidence of serious ASB, and where all other means of resolving the issue have been tried and failed.

I have been served with a notice of seeking possession. What does this mean?

A notice of seeking possession is the first step taken to take back possession of a property. Notices are served when there has been serious or continued ASB and they remain in place for 12 months from the date it is served.³

There are two different grounds that a notice can be served on:

- Discretionary grounds – this means that the notice being served to you can be defended in court by you or a legal representative on your behalf, and a judge will decide whether to grant possession of your home back to Westminster City Council. To enforce the notice of seeking possession, your ASB case officer will need to instruct a solicitor to apply to a court for a hearing. A hearing will only be applied for if you continue to cause ASB following the notice being served to you.
- Mandatory grounds – under the ASB, Crime and Policing Act 2014 landlords were given powers to ask the courts for mandatory possession if you or a member of your household has already been convicted of ASB in other court proceedings. These are:
 - » A premises closure being granted on the property.
 - » A noise abatement notice breached by the tenant.
 - » A civil injunction being breached by the tenant.
 - » A criminal behaviour order being breached by the tenant
 - » The tenant has committed a serious offence as listed at **legislation.gov.uk/ukpga/2014/12/schedule/3/enacted?view=plain**

You have the right to request a review within seven days of this type of notice being served to you. The review will determine whether the notice continues to be served on mandatory grounds, or whether it should be re-served to you on discretionary grounds.

We encourage residents to seek their own independent legal advice if they are served with a notice of seeking possession.

I think my neighbour is unwell, and I am concerned for their wellbeing. What can I do?

If someone is at immediate risk either to themselves or to someone else, you must call the police on **999**. If you have general concerns about someone's mental health you can contact the Single Point of Access team.

The single point of access team consists of qualified clinicians who are knowledgeable about different services and options. This helps callers or the person concerned to be directed to the most appropriate service to meet their needs. Please note the team will not be able to provide updates to you regarding a person's health, but they will take on the information you provide and work through this in their team.

The Single Point of Access team is open 24 hours a day, seven days a week, 365 days a year. You can call the team on **0800 0234 650** or email **cnw-tr.spa@nhs.net**

If you report something to us directly about your own health or someone else's, we will follow this up with the relevant services and agencies.

How can I activate a community trigger?

If you have reported three incidents of ASB in the last six months, to the police, your landlord or the council and you feel that no action has been taken, you can activate a community trigger. This can be done on our website at **westminster.gov.uk/community-trigger-form**

I do not feel like my reports are being taken seriously by agencies. Is there something I can do?

If you feel this is the case you can raise what is called a 'community trigger'. The community trigger enables victims of ASB to demand action and have a case review where persistently reported problems have not been addressed. Once a community trigger is activated, we will meet with all the relevant agencies to try and resolve the issue.

The council will:

- Acknowledge your request within two working days.
- Ensure your case is reviewed by a panel of professionals from multiple agencies within 12 working days.
- Inform you of the outcome and a proposed action plan within 12 working days from the case review.

A community trigger is separate to the complaints process, please see '**How can I make a complaint**'.

How can I make a complaint?

If you are unhappy with the way your ASB report has been handled, you have the right to make a complaint. Westminster housing have two stages to their complaint's procedure; Stage 1 and Stage 2. You can make a complaint online by completing a form at **westminster.gov.uk/about-council/complaints**

I want to give feedback about the way my case was handled. How can I do this?

You can send in general feedback about your case or about a member of staff by contacting Westminster on **0800 358 3783** or by email at **housing.enquiries@westminster.gov.uk**

We will also contact you before we close your case, and at that time will ask you if you are happy to be contacted to give feedback on the way we have handled your concerns. If so we will pass your contact details to our external surveying company called KWEST. KWEST will aim to contact you within one week of your case being closed by telephone or email and they will ask you five short questions about the handling and outcome of your case. This feedback really helps to shape our service and is shared with case officers for their development.

Further questions?

We hope the above FAQs have helped answer any questions you had regarding how we respond to ASB within Westminster housing. If there is anything you are unsure about or if you have any further questions, our full ASB Policy and Procedures can be found at **[westminster.gov.uk/housing/tenants/report-anti-social-behaviour-or-tenancy-fraud-westminster-housing-residents/report-anti-social-behaviour-westminster-housing-residents](https://www.westminster.gov.uk/housing/tenants/report-anti-social-behaviour-or-tenancy-fraud-westminster-housing-residents/report-anti-social-behaviour-westminster-housing-residents)**.

There are also further FAQ sheets available to residents on request which cover topics more in-depth such as 'CCTV' and 'Witness statements'. Please do speak to our housing enquiries team or your ASB case officer if this is something you would like to be provided.



Witness statements explained

What is a witness statement?

A witness statement is a document recording the evidence of a person, which is signed by that person to confirm that the contents of the statement are true.

Witness statements are the way that we present evidence to a judge in court, and this is the only way that evidence can be presented. Your case manager or another relevant professional will also present their own witness statement, known as a "community impact statement".

A witness statement should record what you as a witness saw, heard, or felt. It should include any key incidents that have happened.

In Anti-Social Behaviour (ASB) we gather statements from those who have experienced ASB, for civil action rather than criminal action. We may in some cases take statements to support action being taken by the police.

We will usually begin asking residents if they are willing to provide a witness statement when we are considering taking legal action against someone and when we want our legal team to review all of the evidence in a case to help us decide the best course of action.

Do you have to provide a witness statement?

No. You do not have to provide a witness statement. Witness statements are voluntary and your choice. When your case manager asks you if you would like to provide a statement for a case, you should not feel pressured to do so. For us to be able to act against someone, we do need evidence through statements and so we will always try to gather as many witness statements as possible to make the case strong.

Can the ASB team take a case to court without witness statements?

Along with the statements of witnesses such as residents, the professionals involved in the case such as your case manager and the police will also provide their own statements. These statements include any extra evidence that those services have and the impact that they know that this person or property has had on others. Cases can go to court with just the professionals' statements, but the case may not be as strong. Resident statements really show a judge a first-hand experience of someone experiencing ASB living in the location, and so your case manager will always try to gather as many witness statements as they can.

What different witness statements are there?

We appreciate that you may be concerned about providing a statement and you may be concerned that the defendant/respondent (the person or people the statement is about) may identify who you are. Therefore, there are two options of providing a statement:

▶ **Named statement**

A named statement is a statement that includes your name. Statements that have names on them are seen to be a greater level of evidence when taking a case to court. Named statements will identify you as a witness in the case.

▶ **Hearsay statement**

Hearsay statements are anonymous statements that do not have your name included or anything that could identify you as a witness. In these statements you will be referred to as Person A or Resident A. Whilst these statements do not hold as much weight as evidence as a named statement, they are still very valuable to us and can sometimes show a judge that the situation is so serious that you are concerned about your identity being revealed. It is important to remember that if you mention any specific incidents in your hearsay statement, these could identify you as a witness and so you may not want to include them.

How is a witness statement used?

A witness statement is taken, and once signed it is provided to our legal team to be included in an evidence bundle. An evidence bundle contains all the information and evidence in a case that we are using to take action against someone. It is important to remember that everything that goes into this evidence bundle needs to be given to the defendant respondent (the person we are taking action against) before any hearing.

Why does the defendant respondent (person you are giving evidence about) have access to the evidence and statements?

This is done in all legal cases and it provides the person with a fair opportunity to have their own defence and response to any of the evidence that is being used against them.

How is a witness statement taken?

A member of the ASB team, usually your case manager will take your statement on a mutually agreed date and time and write it for you. Your statement can be taken virtually or in person. Taking a statement can generally take anything from 20 minutes to an hour – it may be shorter or longer depending on the amount of detail that needs to be included.

The person taking your statement will always send you a copy of your statement so you can check it before you sign it, they can also read it back to you. Any statement you give will all be in your own words. The person taking your statement may guide you on what is needed but they will not change the language or the content in your statement.

If your statement is a hearsay statement, it is signed in a different way by your case manager – this could be a mark or something like 'Person A'. This type of signature is confirmed by your case manager.

If you provide a named statement, this will need to be signed by you with your own true signature, this will be seen by the defendant respondent (person we are taking action against), but it will be in a photocopy format and not the actual document. Your named statement has to be signed by you before it can be used as evidence.

What does a witness statement look like?

1. It starts with the name of the case and the claim number (we add this detail to the statement).
2. It states the full name and address of you as the witness unless it is a hearsay statement.
3. It sets out your evidence clearly in numbered paragraphs on numbered pages.
4. The statement ends with this paragraph: 'I believe that the facts stated in this witness statement are true.'
5. It is signed by you as the witness and dated.
6. The following image shows the typical layout of a statement:

In the [Court name] County Court

Case number:

Parties [Name] Claimant
[Name] Defendant

WITNESS STATEMENT

1. I, [Name] of [Address] am [the Claimant in this claim].
The facts in this statement come from my personal knowledge [or as the case may be].

2.

3.

4. etc

5. I believe that the facts stated in this witness statement are true.

Signed
Dated

What information should you prepare to be included in your statement?

You may want to start with how long you've lived in your home and what you are experiencing. The main reason for your statement is to show the impact this has had on you and the area you live in and why there is a need for action to be taken. You should include examples of the issues you have been experiencing.

Try to think about some key examples of specific issues (only ones you are comfortable sharing). It can be very effective to include the most recent incidents that have happened as this will show that your situation is current, and the incidents are still happening.

Some key things to remember:

- ▶ Avoid including opinions (e.g. "I think this person is a drug dealer"). Statements need to contain facts (What did you see, what did you hear, what led you to believe that something was happening?).
- ▶ Do not worry about the language you use when your statement is being taken, it is important to include as much detail as you can remember, such as abusive language and swearing.
- ▶ Dates and times of when incidents have happened.
- ▶ Descriptions (For example, if you mention someone was on drugs – why do you think this/ how do you know they were on drugs?).
- ▶ The most recent issues/what is happening and how often it is happening.
- ▶ Crucially – the impact this has had. For example: how has this made you feel, how has this affected your life, are there any changes you've made because of the behaviour?

How long should a witness statement be?

There is no set word limit to a statement, but we generally say no longer than 1 – 3 pages. The statement needs to contain the main information and be easy enough for a judge and legal team to read along with all of the other evidence that is being sent.

If you provide a witness statement, do you need to attend a court hearing?

In most of our cases that go to court, the judge will be satisfied using the evidence and statements that we have included to decide on the case without witnesses needing to attend court.

In some cases where the case requires a longer hearing or a trial, and when you have provided a named statement, it is likely that as a witness you will be requested to attend court to give evidence, but witnesses will be given notice of this.

Each case is different, and your case manager will discuss this with you at the time of taking your statement and throughout your case.

If you provide a hearsay statement you do not need to attend court and your identity remains anonymous.

What happens after your statement and when all the evidence is sent?

Once you are happy with your statement and this has been signed by you, your case manager will send this to our legal team for review. A solicitor in the legal team will review all evidence including statements and provide legal advice based on the evidence. The solicitor may suggest a particular legal action we can take and we will decide as a council if we want to take the suggested action. If we decide to take legal action, the solicitor will make an application to the court for a court hearing.

During this time a notice about the hearing and the evidence bundle will be served on the defendant respondent (the person we are taking to court). The courts can take a long time to set a hearing, this could be anything between days to months depending on how busy the courts are.

Your case manager will keep you updated throughout the progression of your case and they will aim to make weekly contact to you with any new updates.

Does a witness statement guarantee action being taken against a person?

No. Only a judge on the day of the hearing can make the decision on whether the action or order can be granted. We will make every effort to ensure the evidence being used is as strong as it can be to win a case.

What happens if I provide a witness statement and the person makes threats towards me?

If at any time you feel threatened, you must call the police immediately on 999. You must also contact your case manager to inform them of this so that they can speak to the police about what has happened, your case manager will go through the next steps and the support that they can provide to help you manage this situation.

Housing Anti-Social Behaviour (ASB) team



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CCTV Fact Sheet

Are there CCTV cameras on Westminster Council housing estates?

Yes – housing services has installed CCTV (Closed Circuit Television) cameras in various locations across our housing estates to help prevent and detect crime and disorder, as well as reduce the fear of crime. Cameras on our estates are not actively monitored as we have no control room. In all locations, signs are displayed notifying you that CCTV is in operation and the notices also provide details of who to contact for further information.

Can residents ask for additional cameras?

The housing service has a small number of re-deployable cameras to move to hot spots as they arise. We have a strict process to review such moves but will take into account any concerns raised by residents.

New schemes may be considered – but any proposal will need to be approved by our Governance Group.

We will always explore other options to deter antisocial behaviour in the location.

Are the cameras fixed or mobile?

The majority of these cameras are fixed. However, we also have a stock of re-deployable or ‘mobile’ cameras which are moved to ‘hot spot’ locations on a temporary basis when required.

Before re-deploying a camera we ensure that we have sufficient evidence to meet the need. This is called a ‘test of appropriateness’.

Do the cameras record sound?

No.

How long are images stored?

Any images recorded through CCTV are stored on the system for a minimum of 30 days after which they are securely deleted.

Does the council share images with third parties?

Yes – we may lawfully share CCTV recordings with, for example, the police to assist with providing evidence in criminal proceedings. In such cases we ask the police for a specific time frame (usually two hours) when the incident occurred in order to facilitate the disclosure. You can find out more about the fair processing notice at www.westminster.gov.uk/fair-processing-notice

Can residents request footage?

A resident can only request footage if they believe they have been captured. Residents can make this type of request in a subject access request to foi@westminster.gov.uk

You will need to provide a 2 hour time frame, location and date.

My car has been vandalised. Can you give me the footage?

No – requests for images of vehicles cannot be provided to residents. We can only consider requests in these circumstances from partners such as the police if they request footage as part of a criminal investigation.

Can residents install their own CCTV cameras?

Residents must obtain permission from Westminster City Council to install CCTV cameras. This includes installations of video doorbells such as “Ring” doorbells fitted on front doors. Permission is only granted if there is justification or evidence that the camera is needed to address a safety or security concern of the resident applying, and the council agrees that the installation is necessary for these reasons.

We also ask anyone applying to install their own camera to provide satisfactory details of how they will limit and justify any potential intrusion to others through the positioning of it.

For more information please contact us on [0800 358 3783](tel:08003583783) (freephone) or housing.enquiries@westminster.gov.uk

If you have experienced a burglary in the last 12 months you might be able to get help from the council through the safe and secure grant. You can find more information on this at www.westminster.gov.uk/housing/housing-adaptations-grants-and-assistance/safe-and-secure-grant

Who has access to the cameras at the Council?

Only designated staff and contractors specifically authorised for this purpose.

Are there any cameras in lifts?

We have installed cameras in lifts and are continuing to install more on a rolling programme, signage is displayed where there is a camera in a lift.

Can a camera be installed to view a specific property?

No - directed surveillance is not permitted.

How can i report a camera that is in need of repair?

You can report this to: [0800 358 3783](tel:08003583783) or at housing.enquiries@westminster.gov.uk

To find out more or if you have any questions about CCTV and security, please contact housing services on [0800 358 3783](tel:08003583783) (freephone) or housing.enquiries@westminster.gov.uk

For more information on Anti-social Behaviour (ASB), please view our ASB factsheet here: [ASB_Factsheet.pdf \(westminster.gov.uk\)](#), alternatively you can ask for a printed copy at your local area service centre.



Floating Support:

FAQ Factsheet for housing officers

What is SHP Floating Support (FS)?

SHP Floating Support is a generic support service, commissioned by Westminster Council, to provide support to residents in Westminster to enable them to live independently, sustain their accommodation and reduce the risk of homelessness. We do this by offering personalised, short-term support. We support adults aged 18 or over with an identified support need, living in Westminster (excluding supported housing, residential and extra care settings) including people, or individual members of a household, living in temporary accommodation provided by Westminster (either inside or outside of the borough).

What type of support does SHP offer?

We offer a range of support to enable residents to manage their tenancy and improve self-sufficiency. Please note: SHP does not provide housing.

Our support includes:

Housing Assistance: help to sustain a tenancy by understanding rights and responsibilities as a tenant, liaison with landlords to ensure repairs are undertaken, support to ensure they know how to bid on properties etc

Financial advice: guidance on budgeting and debt management – linking in with appropriate resources to better manage money.

Daily living skills: Training to enhance daily living skills, such as how to better manage bills, and linking in with community resources regarding this, such as cooking classes.

Social Inclusion: Support to link into community activities to build social connections and reduce isolation.

Health and Wellbeing: support to link into Primary Care resources such as GPs and dentists.

Education and Employment: Support in pursuing education or linking in with employment specialists.

Benefit Support: Assistance to apply for and understand benefits that may be available.

How long does it take for SHP FS to contact the customer after making a referral?

We review our referrals within two working days of receipt and will contact the client within ten working days of being allocated, assuming the referral is accepted.

If the referral is rejected as not eligible we will inform the referral agency within two working days with reasons.

Do SHP FS do visits to the customer?

Yes, the allocated worker will visit the client in their home but support can be offered through a range of methods to best suit the needs of the client.

The frequency of contact will be set at the initial assessment. Please note that we do not conduct daily visits.

How many times will SHP FS try to engage before closing a referral/ case?

We will attempt to engage with the client via a range of methods including calls, texts and cold calls. We will engage with the referrer to let them know of any challenges being faced regarding engagement. There is no specific limit on attempts to engage, however there will be at least three separate attempts made. We will write to all clients who have been referred where a case is due to be closed to inform them of the course of action and how to make contact.

Can a customer self-refer to the service?

Yes, a client can self-refer by either filling in and posting in the referral form or contacting the office. If the client is under the care of a statutory service, we ask that the referral is made by that service. Clients can refer on this email address: westminstersupport@shp.org.uk

If the customer already has support from a mental health service, should I still refer them to SHP FS?

Yes, but please do speak with that service where possible. If you are unable to do so, please notify us so we can check with the statutory service involved to help ensure we are not duplicating support.

If the resident has issues related to substance misuse, should I still refer them to SHP FS?

Yes, if they have additional presenting needs, they can access our support. In the event that the assessment indicates that the client is better served by specialist support we may ask you to refer to Turning Point.

If there are concerns about the customer posing a risk to people, should I still refer them to SHP FS?

Yes, but we would need to be made aware of the risks posed to help us assess whether we are able to manage the level of risk safely and to develop a risk management plan in the event that we do accept the referral.

What support does SHP not offer?

If Unfortunately, we cannot provide any help with personal care or domestic duties (e.g. cooking, cleaning, DIY, gardening, managing medication, shopping etc.) and we can't provide any counselling or befriending.

Can they help with hoarding issues?

Depending on the severity of the issue, we may be able to support however it is case dependent – it may be more appropriate to refer to Safeguarding, Mental Health Teams or specialist services.

Are there age restrictions?

We work with adults over the age of 18 years old.

What area do SHP cover?

We work with individuals who have a tenancy in Westminster or have been placed in temporary accommodation out of borough. We do not work with individuals who are without a tenancy, street homeless or sofa surfing.

Can SHP provide accommodation?

No, SHP do not provide housing.

Will SHP keep other agencies up to date with issues going on for the client?

Yes, we will endeavour to work collaboratively with agencies involved in the client's case which will include relevant updates.

What do SHP expect from external agencies?

We aim to work collaboratively with external agencies and appreciate relevant updates and information being shared. This includes timely responses to emails and enquiries.

How long do you normally offer floating support?

The Floating Support service delivers targeted, time-limited and holistic interventions that successfully help people remain in their own homes. The length of time in the service is dependent on the presenting support need but the upper limit is 12 months.

Do you need consent from the resident before we make a referral?

Ideally consent should have been sourced following discussion with the client however it is not essential for a referral to be made.

If you are making a referral for someone and they have not given consent you are advised to tell them that you will in any event refer them to the service so that SHP can at least make contact and discuss the possible offer. It is also important to make a note of the reasons why a referral is being made in such circumstances eg it is a highly vulnerable client who in your professional opinion needs extra support.



ASB Case Studies

Action	The ASB	Details of the action
Mozart and Lydford Estate Injunction with the Power of Arrest attached.	Severe nuisance and ASB involving gangs and individual's loitering. This involved serious and fatal incidents and a large UME (Unlicensed Music Event).	<p>Westminster housing ASB team gained an Injunction Order across both estates in place from 13 July 2021 for 2 years.</p> <p>This was recently extended in July 2023 for a further two years. Both orders have the Power of arrest attached.</p> <p>The order states that individuals are not to congregate or loiter with causing or likely to cause harassment, alarm or distress to another; distribute, share, possess or use illegal drugs; possess or store weapons; vandalise or graffiti property; film videos (including music videos and/or engage in behaviour that causes or is likely to cause harassment, alarm or distress, intimidation or nuisance to another).</p>
Injunction against two named individuals	Two individuals were identified who mainly contributed to and arranged events that led to serious ASB and crime on both the Mozart and Lydford estates.	<p>In July 2021 the ASB team gained two direct injunctions with power of arrest granted against William Bailey (AKA Fredo) and the other is Jayvon Tison (AKA Lil Dotz).</p> <p>They were both banned from entering or attempting to enter or remain on the Mozart Estate and the Lydford Estate. There is also a long list of restricted behaviour.</p> <p>The ASB team recently worked closely with the police and IGXU to enforce a breach against Marvin Bailey for filming a video at Courtville House. Marvin Bailey was arrested in July 2023, and we were successful in enforcing the breach of his injunction. He was ordered to pay a fine of £5k plus court costs.</p> <p>The order against Marvin Bailey was then extended in July 2023 until July 2025. The other individual is currently serving a custodial sentence for another matter.</p>

<p>Estate wide Injunction – Amberley estate</p>	<p>Continued reports from residents across the Amberley estate, the youth club and from estate services staff of vandalism to CCTV cameras, large groups of young people reported to be congregating in the internal communal areas blocking access to other residents, threats made, gang tensions reported to be heightened, increased number of serious incidents of violence in the area, weapons/drugs being found weekly by cleaning teams in the lifts and ceiling tiles.</p>	<p>This order was gained in March 2021 and has a long list of restricted behaviour on the estate including loitering and graffiti.</p> <p>Between June 2020 – March 21, Police had 84 incidents of Anti-social behaviour (involving youth violence/gang related issues) on the Amberley estate.</p> <p>Since the order was in place the police had 2 reports of Anti-social behaviour (involving youth violence/gang issues) since the injunction from March 2021 – January 2023.</p> <p>A more detailed example of the level of work done on Amberley Estate prior to an injunction being gained included:</p> <ul style="list-style-type: none"> • Joint work with Youth Club staff - provided with FOBs to access blocks for “after sessions”. • All those identified were discussed with partners. • Home visits with the police. • Early help offered to parents. • ABAs, warning letters, banning letters were completed and issued. • Work with police to increase evening patrols. • Estate security patrols. • Offered meetings with youth club staff on the estate. • ASB “Hotspot” signs put up. • Additional 13 cameras agreed for every exit and entrance (Electrical staff threatened and walked off estate, camera lenses shot out by BB guns). • Weapon sweeps with the police and residents arranged to build relationships. • Sweeps of empty garages in the block arranged with our Compliance team. • Review of corridor exits.
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<p>Estate wide and individual Injunctions – Wharncliffe Gardens</p>	<p>Continued reports of individuals congregating and causing nuisance and intimidating residents who live in sheltered accommodation.</p>	<p>In September 2022, the ASB team gained 3 x injunctions on persons known with exclusion zones for the Wharncliffe Gardens estate. These was well known individuals to the local police and IGXU team.</p> <p>An injunction on persons unknown was granted for 12 months which covers the whole of the Wharncliffe Gardens estate to prevent behaviour including congregating in groups.</p>
<p>Possession action</p>	<p>On-going</p>	<p>Westminster Housing ASB team have been working with partners in relation to a family who live within Mallory Street, Church Street ward area.</p> <p>This family have strong links to the Lisson Green gang and have been involved with several incidents within the area.</p> <p>Services have worked together to support a vulnerable member of the household into temporary accommodation whilst taking direct action against the tenancy / other members of the household. The possession proceedings have been adjourned three times in court due to the complex factors involved in this case.</p>
<p>Closure Order and Possession on Mandatory grounds</p>	<p>An individual was causing severe nuisance to neighbours on the Wessex Gardens estate with visitors to his address, intercoms being rang, lifts out of use, vandalism, intimidation and drug use and dealing.</p>	<p>The individual who resided at the property was known to drug and alcohol services, he lived alone.</p> <p>The ASB team made several attempts to engage with the individual and worked with support agencies and substance misuse services.</p> <p>The ASB continued and was affecting most residents within the building.</p> <p>The ASB team worked with the local police team to gather evidence and take witness statements from six residents. The evidence and statements were taken to court and an application was made for a partial closure order on the property.</p>

		<p>We gained a 3-month partial closure order on this property as it was clear that the resident themselves could be vulnerable to the people attending the property. It means that legally no other person can enter the property.</p> <p>This power provides respite and restores peace to residents, and anyone found in the property can be arrested. The order was then extended for 3 months following expiry.</p> <p>A closure order provides grounds for possession using the Absolute ground and this was used in this case.</p> <p>In November 2022, the resident was evicted from the property.</p>
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Climate Action, Housing and Regeneration Policy and Scrutiny Committee

Date:	12 September 2023
Classification:	General Release
Title:	2023/2024 Work Programme
Report of:	Head of Governance and Councillor Liaison
Cabinet Member Portfolios:	Cabinet Member for Housing Services and Cabinet Member for Climate Action, Regeneration and Renters
Wards Involved:	All
Policy Context:	All
Report Author and Contact Details:	Linda Hunting lhunting@westminster.gov.uk

1. Executive Summary

1. This report asks the Committee to discuss topics for the 2023/2024 work programme. The proposals set out in Appendix 2 have been developed in consultation with Members, senior officers and members of the Executive (Cabinet) on their plans for the year ahead to ensure scrutiny is focused on those areas where it may have most impact.

2. Meeting Dates for the 2023/2024 Municipal Year

- 2.1 The Committee is advised that the next scheduled meeting dates for the 2023/2024 year are:
 - 30 November 2023;
 - 12 March 2024; and
 - 22 April 2024.

3. Background

- 3.1 The Policy and Scrutiny team has been supporting the Chair and Committee

Members to consider the work programme for the next municipal year. The process for this included; consultation with the Cabinet Members, consultation with Executive Directors and relevant Heads of Service, following up on previous items and commitments from previous meetings, consideration of forward plans in the Cabinet Portfolios and challenges identified across the Directorates.

3.2 The aim of this process has been to culminate in a work programme which:

- Focuses on what is important;
- Focuses on areas where performance might be improved;
- Focuses on services which are important to residents;
- Focuses on where scrutiny can make a difference and add value;
- Proactively feeds into policy development by contributing to pre-tender considerations or strategy development for example; and
- Uses the insight of backbench Members to act as critical friend to services of the City Council and our partners thereby enabling good governance and excellent services.

4. Work Programme for 2023/24

4.1 The Committee is asked to consider the work programme for the municipal year, 2023/2024, set out in Appendix 2. The Committee is requested to discuss the proposed topics listed as well as provide comments and suggestions.

4.2 When considering the work programme, and agreeing an overall programme of scrutiny activity, the Committee should have regard to whether the work programme is achievable in terms of both Officer and Member time, taking into account that the Committee is scheduled to meet six times per year. Members are also reminded that it is advisable to hold some capacity in reserve for any urgent issues that might arise.

4.3 Each Committee has discretion to establish Task Groups to examine key issues in more detail and also to commission Single Member Studies. The Committee is asked to consider whether they would like to establish a Task Group or commission a Single Member Study. The Committee should be advised that both Members and Officers will only be able to successfully take part in and support a finite number of Task Groups at any one time.

If you have any queries about this report or wish to inspect any of the background papers, please contact Linda Hunting
lhunting@westminster.gov.uk

Appendix 1: Terms of Reference

Appendix 2: Work Programme

Appendix 3: Action Tracker

CLIMATE ACTION, HOUSING AND REGENERATION POLICY AND SCRUTINY COMMITTEE

COMPOSITION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Members).

TERMS OF REFERENCE

(a) To carry out the Policy and Scrutiny functions, as set out in Chapter 4 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Cabinet Member for Housing Services and the Cabinet Member for Climate Action, Regeneration and Renters.

(b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraphs 18.2 and 18.3 as well as section 19 of Chapter 4 of the Constitution.

(c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.

(d) Any other matter allocated by the Westminster Scrutiny Commission.

(e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.

(f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.

(g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference.

(h) To oversee any issues relating to Performance within the Committee's terms of reference.

(i) To have the power to scrutinise those partner organisations under a duty to that are relevant to the remit of the Committee.

(j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

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**Appendix 2 - Climate Action, Housing and Regeneration Policy and Scrutiny Committee
Work Programme 2023/24**

ROUND 4 30 November 2023		
Agenda item	Purpose	Responsible Cabinet Member and Executive Director
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters Debbie Jackson, Executive Director of Growth, Planning and Housing Amy Jones, Director of Environment
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Liza Begum Cabinet Member for Housing Services Sarah Warman, Executive Director of Housing and Commercial Partnerships
The Private Rented Sector Charter	To review the Council's plans to improve property and management standards in the private rented sector, increase opportunities for low-income households, and improve communications across the sector.	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters Debbie Jackson, Executive Director of Growth, Planning and Housing
The Climate Emergency Action Plan	To review progress of the Council's Climate Emergency Action Plan, including, actions for reducing carbon emissions across Westminster, and working with businesses and residents.	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters Debbie Jackson, Executive Director of Growth, Planning and Housing Amy Jones, Director of Environment
Work programme	To review the work programme in light of events and recent discussions.	Linda Hunting, Policy and Scrutiny Advisor

ROUND 5 12 March 2024		
Agenda item	Purpose	Responsible Cabinet Member and Executive Director
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters Debbie Jackson, Executive Director of Growth, Planning and Housing Amy Jones, Director of Environment

Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Liza Begum Cabinet Member for Housing Services Sarah Warman, Executive Director of Housing and Commercial Partnerships
The Infill Programme	To examine the Council's plans for underused and empty areas on our estates and the redevelopment and building of new properties.	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters Debbie Jackson, Executive Director of Growth, Planning and Housing
Church Street Regeneration Programme	To review the Church Street programme of regeneration the planning, procurement, and delivery.	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters Debbie Jackson, Executive Director of Growth, Planning and Housing
Work programme	To review the work programme in light of events and recent discussions.	Linda Hunting, Policy and Scrutiny Advisor

ROUND 6 22 April 2024		
Agenda item	Purpose	Responsible Cabinet Member and Executive Director
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters Debbie Jackson, Executive Director of Growth, Planning and Housing Amy Jones, Director of Environment
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Liza Begum Cabinet Member for Housing Services Sarah Warman, Executive Director of Housing and Commercial Partnerships
Supported Housing and Sheltered Housing	To review the current supported housing provision and the Council's policies for sheltered housing and identify the shortfalls and consider what can be done to address these and what interventions will be required in the future for Westminster residents.	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters Sarah Warman, Executive Director of Housing and Commercial Partnerships
Work programme	To review the work programme in light of events and recent discussions.	Linda Hunting, Policy and Scrutiny Advisor

Unallocated items – this may either be substituted in for a substantive item elsewhere in the year or may be rolled over for future municipal years.

Councillor Liza Begum Cabinet Member for Housing Services	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters
Homelessness and Rough Sleeping - To review the Council's approach to rough sleeping, homelessness, the use of hostel accommodation, and to consider the strategies, trends, lessons learned, outreach, and make recommendations.	Westminster Builds - The Budget Scrutiny Task Group recommended the Committee review this in more detail and provide comments.
Housing Solutions Service	The Climate Assembly – To review the progress which has been made by the Assembly.
Housing Associations - For representatives from Housing Associations to come to Committee and the Committee to investigate how these organisations are managing and prioritising repairs, mould and condensation, and complaints from residents.	The Biodiversity Strategy - To consider climate action education in schools.
	The Carbon Impact Evaluation Toolkit To consider the Council's procurement of contracts that have a direct impact on climate action and regeneration.
CHIP - Corporate Housing Improvement Plan	PDHU Business Plan

Proposed Briefing Sessions:

Councillor Liza Begum Cabinet Member for Housing Services	Purpose	Proposed Date
Mould and Condensation	To review the Council's plans to address mould and damp in properties and considering these issues, also receive feedback from Housing Associations and RA's how this is being tackled.	TBC
RAPID App Technology	To review the new technology RAPID introduced by the Council to manage tenant information and communication.	TBC Sep / Oct 2023
Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters	Purpose	Proposed Date
Green Doctors	To provide Members with a briefing session or a Member Development Training session to gather information and review the service.	Oct - Dec 2023

Forthcoming Written Reports/ Updates:

Councillor Liza Begum Cabinet Member for Housing Services	Purpose	Proposed Date
Fire Safety Regulations	To update the committee on the current regulations.	Sept 2023
Intermediate Housing Regulations	To update the committee on the current regulations.	Oct / Nov 2023
Housing Repairs Improvement Progress Review	To review the actions taken to improve housing management and the delivery of an effective and responsive repair system	April 2024

Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters	Purpose	Proposed Date
Green Bonds and Community Energy Projects	To review the Green Bonds initiative. To include the annual emissions performance reporting of the Council, case examples, resident engagement, community energy projects that benefit residents, and the delivery of the Carbon Offset projects.	Oct / Dec 2023

Possible Site Visits:

1. To witness one of the new Housing Officer training sessions.

Appendix 3 - ACTION TRACKER
Climate Action, Housing and Regeneration Policy and Scrutiny Committee

ROUND 2 18 October 2022			
Agenda Item	Action	Status/ Follow Up	Comments
Item 7 Work Programme	The formation of a Biodiversity Task Group.	In progress / Member led	Chair put task groups on hold in Dec 22 until the 2023/ 24 year.
ROUND 3 4 November 2022			
Agenda Item	Action	Status/ Follow Up	Comments
Item 5 Cabinet Member Updates Policy and Scrutiny Portfolio Overview: Cabinet Member for Housing Services	That information be provided to the Committee on how much Government Local Authority (GLA) funding is expected for the Queen's Park Court infills site and if there is any further funding available for other infill projects.	In progress	To be provided in the Sep CM report.
ROUND 5 2 March 2023			
Agenda Item	Action	Status/ Follow Up	Comments
Item 5 Cabinet Member Updates Policy and Scrutiny Portfolio Overview:	Information to be sent to the Committee about the opening of the office at the Community Hubs Programme.	In progress	Officers to send once the community hubs programme is finalised.
	That details be provided to the Committee (once available) about Leaseholder Service Charges, now as part of CHIP.	In progress	Officers will distribute when released.

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Cabinet Member for Housing Services	Details to be provided of Resident Associations and contact details of their specific Housing Officers for Members.	In progress	This is subject to a further piece of work that is required by the Council to be able to publicly share individuals' information.
	Committee to be briefed about how the mobile security pilot went, the lessons learned, and the intelligence gathered, after the pilot is completed and before the possible extension is up for further consultation.	In progress	Neil Whiteman has agreed to update the committee when the pilot has ended, and officers can evaluate the data and lessons learned. Estimated September 2023.
	Information to be shared with the committee about the Councils plans to ensure the delivery of the Truly Affordable Housing Strategy over the next 10 years.	Completed	This item came to Committee in July as part of the FoWC Strategy.

ROUND 6
19 April 2023

Agenda Item	Action	Status/ Follow Up	Comments
Item 4 Cabinet Member Update Policy and Scrutiny Portfolio Overview: Cabinet Member for Housing Services	That information be provided on the Relief Duty Households and the effects on the housing register regarding allocations if a resident is housed privately	Completed	This item came to committee in July.
	That information about the Rental Support Fund and about leaseholders and their inclusion in that fund or support for them, including information on the funds that had been paid out, be provided.	Completed	Members updated in the June CM report and 5 July.

ROUND 1
6 June 2023

Agenda Item	Action	Status/ Follow Up	Comments
Item 4 Cabinet Member Update Policy and Scrutiny Portfolio Overview: Cabinet Member for Housing Services	That housing performance data be supplied to the Committee.	Completed	Interim update provided in July. Provided in the Sep CM update.
	That information about the Council's fire safety standards and what is being done to support residents be provided to the Committee.	In progress	This item is on the Work Programme and will be presented as a written update during Sep 2023.
	Requested information about how the data for ASB cases is obtained.	Completed	This is being presented at September Committee.

	Requested information about extending the pilot on Supporting Vulnerable Residents with housing needs and their families.	Completed	Members emailed 040923
	That a breakdown of the rough sleepers for each ward and information about the accommodation that is offered to rough sleepers be provided.	Completed	Members emailed 040923
	That information about the Rental Support Fund, how it is promoted, and what support is offered leaseholders to be provided.	Completed	Members updated 30 June & 5 July and in the July CM report.
Item 5 Cabinet Member Update Policy and Scrutiny Portfolio Overview: Cabinet Member for Climate Action, Regeneration & Renters	That Members will be kept updated on the Council's net zero approach and offsetting measures.	In progress / ongoing	Officers confirmed this will be actioned with updates in the CM report, as appropriate.
	That information about how many of the total number of social rent properties in Phase 1 at Ebury Bridge are being taken up by returning residents be provided.	Completed	Provided in the July CM report.
	That the total estimated cost of the Council's plans for hitting net zero be provided to the Committee.	In progress / ongoing	
	That information about the Council's ability to enforce minimum energy standards (as set out in the MEE's pilot) are provided to the Committee.		Also raised in July Committee as an action.

**ROUND 2
19 July 2023**

Agenda Item	Action	Status/ Follow Up	Comments
Item 4 Cabinet Member Update Policy and Scrutiny Portfolio Overview: Cabinet Member for Housing Services	That further details on the Rent Support Fund and how the figures have been decided and how the unspecified wards have been assessed (Table 1 of the report) be provided.	In progress	Some details provided about how much has been awarded in the Sep CM report.
	Information about how the Council can support leaseholders further when major works that have been significantly delayed are taking place and costs have been increased be provided to the Committee.	In progress	To be provided in the CM report – topics such as billing / major works
	That information about the performance framework used for CHIP be provided to the Committee.	In progress	
	That information about the five key indicators of CHIP that have shown progress over the last 12 months be provided to the Committee.	In progress	
	Councillor Arrindell to share details of a specific homeless review case that was closed whilst in review status and the relief duty was in operation.	Completed	This was agreed during the meeting.
	An update on what support is being considered for leaseholder service charges for residents to be provided to the Committee.	In progress	Further details to be provided in the Sep CM report.
	Officers to supply the details of what types of contextualized housing data the Committee will expect in quarterly updates.	Completed	Provided in the CM report for Sep.
	Officers to be keep the Committee up to date with the plans for major works as part of the CHIP programme.	In progress / ongoing	
Item 5 Cabinet Member Update Policy and Scrutiny Portfolio Overview:	That information about the budget for the Climate Assembly team activity, including how many people are in the team, and how the cost is met will be provided to the Committee.	In progress	Advised this will be provided outside of the CM report.

Cabinet Member for Climate Action, Regeneration & Renters	That information about the investment of the Green Bond, how the investment is managed, the cost of this, whether the cost is allocated to external people, and if the Council takes a fee for their time facilitating the Bond be provided.	In progress	Advised this will be provided outside of the CM report.
	Councillor Arrindell to provide officers with resident cases where energy has been suspended to properties due to advice to low-income residents to have pre-paid smart meters installed.	Completed	This was agreed during the meeting.
	Information about GLA funding in relation to infill sites and where the Council has made applications to be provided to the Committee.	In progress	Advised this will be provided outside of the CM report.
	Information about how the Council monitors rented properties under the MEE's pilot that do not meet the minimum energy rating E.	In progress	Advised this will be provided outside of the CM report.
Item 6 Process for Allocating Social Housing	Information about void properties, such as the analysis of how these are prioritised, and the process of works by the Council to enable these properties to be re-let through allocations in a timely manner, to be provided to the Committee.	Completed Members emailed 230823	
	Information and an analysis about the number of occupier accounts, such as residents in occupation following a death or another person leaving a property and their status in terms of housing needs, including, what support is provided by the Council for any potential transition should the property be returned for re-allocation to be provided.	Completed Members emailed 230823	
Item 7 Future of Westminster Commission: Housing Recommendations & Council Response	Information to be provided to the Committee about whether any Member of the Commission Housing stream received remuneration and if Members were asked about potential declarations of interest.	In progress	

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Item 8 Work Programme	A visit for Members to one of the new Housing Officer training sessions to be added as a possible site visit on the Work Programme.	Completed	
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