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Anti-Social Behaviour Policy

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1. Scope and purpose of this policy document

This document should be read in conjunction with Oxford City Council's Anti-social Behaviour Procedure.

This is the **policy** document. It tells you what the Council means by 'anti-social behaviour' (ASB) and sets out the principles the council applies when responding to a report of anti-social behaviour. It explains how the Council responds when people experiencing ASB contact it for help, and details the service quality the Council will provide.

The **procedure** document says how the Council deals with ASB on a day-to-day basis.

2. The Council's responsibilities

Oxford City Council believes that no-one should tolerate anti-social behaviour and will use appropriate tools and powers available to local authorities to address all forms of nuisance. These powers arise from three complementary roles:

The Council's role as a Responsible Authority of the Oxford Safer Communities Partnership (OSCP) as defined by the Crime and Disorder Act 1998. The Act requires the Council to work with the police and other agencies to reduce crime and disorder in Oxford. The Council makes a significant contribution to dealing with anti-social behaviour of all kinds and undertakes both investigations and prevention activities.

As a landlord the Council has a [duty to respond to ASB](#) affecting the properties we manage. Our landlord duties and powers complement the duties and powers we have to deal with ASB by non-council tenants. In this document, and our Anti-social Behaviour Procedure document, we will make it clear when a duty or a power only applies to Council tenancies.

As an environmental protection champion the Council has a range of legal powers to deal with environmental anti-social behaviour such as noise, graffiti, litter, fly-tipping and abandoned vehicles. These responsibilities come from a number of legal instruments and local byelaws, but in particular from the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Anti-social behaviour, Crime and Policing Act 2014.

The Council will not lead the case investigation but offer support and assistance for ASB cases within other social landlords and private landlords properties, unless there are exceptional circumstances.

3. What is anti-social behaviour?

Oxford City Council considers anti-social behaviour to be:

- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- Any act that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household; or

- Using or threatening to use Council property for unlawful and/or immoral purposes.

The Council does not regard the following types of behaviours as anti-social and therefore **will not** use enforcement powers against:

- Children playing in a public place e.g. streets, where they are not making excessive noise, obstructing access to public space or causing damage.
- Neighbour disputes involving, for example, land boundaries, location of waste bins.
- Reasonable noise from vehicles on the highway carrying out their routine activities.
- Reports of inconveniently or illegally parked vehicles will be recorded, but may not be immediately investigated. Where a significant and recurrent problem occurs further action may be taken.
- People because they are homeless or rough sleeping.

There are specific legal tests applied for each power available to local authorities that are applied when considering the use of that power. Anti-social behaviour cases are categorised according to the type of behaviour. This categorisation determines the response time the Council will apply and is described in the table below.

Category 1	Target time for first contact with victim or referrer: one working day
<p>Definition</p> <ol style="list-style-type: none"> 1. Behaviour that is a serious risk to individuals or the peace of the neighbourhood and which may include violence, serious threats of violence or other criminal activity. 2. Any complaint where the complainant or perpetrator is a vulnerable child, or adult as defined by s. 60(1) of the Safeguarding Vulnerable Groups Act 2006. 3. 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. <p>Category 1 includes extreme cases of anti-social behaviour such as:-</p> <ul style="list-style-type: none"> ■ Hate related incidents (hostility towards a person's race or ethnicity, sexual orientation, disability, religion or belief, or transgender identity) ■ Allegations of drugs/substance misuse and drug dealing ■ Criminal behaviour involving violence or threats of violence ■ Physical violence and threats of harm ■ Arson ■ Child abuse ■ Domestic abuse ■ Serious harassment/intimidation and threatening behaviour ■ Racist or offensive graffiti following a report ■ Threats to Oxford City Council staff 	
Category 2	Target time for first contact with victim or referrer: within four

	working days
<p>Definition: Unreasonable, prolonged disturbance such as verbal abuse or persistent noise nuisance.</p> <p>Category two includes serious cases of anti-social behaviour such as:-</p> <ul style="list-style-type: none"> ■ Allegations of aggressive/abusive behaviour ■ Regular disturbances, such as noise ■ Drug/solvent and alcohol abuse ■ Verbal abuse and written intimidation and harassment ■ Allegations of sex working. sexual acts and kerb crawling ■ Other forms of serious anti-social behaviour, which in the Council's opinion, need priority but do not warrant an urgent or immediate response 	
Category 3	Target time for first contact with victim or referrer: five working days
<p>Definition: Disputes between neighbours such as disagreements about parking, minor noise issues, children, pets and environmental matters.</p> <p>Category three includes neighbour nuisance and tenancy breaches such as:-</p> <ul style="list-style-type: none"> ■ Minor noise nuisance ■ Untidy gardens that may harbour vermin ■ Litter, rubbish, refuse disposal and fly tipping ■ Running a business without permission that impacts on the neighbourhood ■ Nuisance from vehicles such as untaxed vehicles and car repairs ■ Vandalism and damage to property ■ Misuse of communal areas ■ Lifestyle disputes where breaches of tenancy cannot be proved 	

4. Policy principles

These principles underline the Council's approach to tackling anti-social behaviour, how it manages cases and works with our customers.

4.1. No one should have to suffer from ASB

We will:

- make people aware of what anti-social behaviour is.
- publicise and promote our various services to tackle ASB.
- encourage people to report ASB and make it possible for them to do this using a range of reporting methods.
- respond to each reported case of ASB within our target times.
- support victims of ASB throughout the case.

4.2. Reports of ASB will be treated seriously and dealt with professionally.

We will:

- assess the seriousness of ASB reported to us, and take action in accordance with our service standards.
- treat all reports as personal information under the Data Protection Act 2018 and we will not disclose personal information unless required to for such purposes as a prosecution, a safeguarding concern, where it is in the public interest or with the persons consent.
- share information with other organisations that can help with the problem in accordance with data protection laws and information sharing agreements.
- ensure that criminal activities reported to the Council are referred onto the police.
- register each case, give it a unique reference number and named lead officer.
- fully investigate the complaint, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses.
- quickly refer cases between the different sections of the Council and to other agencies, as necessary.
- formally close cases, using the complainant's preferred method of correspondence.
- respond promptly to complaints about the service.
- explain our reasons should we choose to take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this.
- review every open case of anti-social behaviour each month and set appropriate objectives for each case.

4.3. ASB will be addressed firmly, fairly and proportionately.

We will:

- deal with the most serious cases first, taking any necessary early action to protect people and property.
- investigate the circumstances and seek to understand all the facts of any matter reported to us.
- seek always to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health.
- use any of the legal tools and powers available to us under the law and Council policy, according to our best professional judgment.
- consider and adjust our approach as necessary, when a victim or a perpetrator is a vulnerable person.
- with the consent of the people involved, refer suitable low-level cases to mediation.

4.4. We will work with partners in order to deliver an effective, value for money ASB service across our communities.

We will:

- play a full part as a lead member of the Oxford Safer Communities Partnership.
- participate in relevant strategic or preventative initiatives, being mindful of our current workload and costs of participation relative to the likely benefits.
- participate in multi-agency workgroups dealing with specific ASB issues.
- work with Registered Providers, private landlords, letting agents, universities and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB making use of their own resources.

4.5. We will deliver high quality customer service.

We will:

- ensure that staff dealing with ASB are trained in all relevant legislation including equality, diversity and safeguarding.
- ensure that staff dealing with ASB follow agreed policies and procedures.
- publish our annual performance against our service standards on the Council's website.
- obtain customer feedback through surveys of users of the ASB service provided by Oxford City Council to rate their satisfaction with the service.
- formally seek the views of service users and partner organisations as part of each review.

5. Concerns for children, young people or vulnerable adults

In the course of an investigation an officer may come across a person whose welfare may raise concerns. Whether or not the subject has a direct connection to the case under investigation, it remains the duty of officers to ensure that these concerns are properly logged and passed to the appropriate safeguarding agency via the council's safeguarding mechanisms.

6. Anti-social Behaviour, Crime and Policing Act 2014

The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities, social housing providers and partners with a new range of powers to tackle anti-social behaviour. The Act introduced the Anti-Social Behaviour Case Review, commonly referred to as the Community Trigger, a mechanism for victims of anti-social behaviour to request a review of their case. More details can be found on the [Oxford City Council website](#).

7. Section 218A, Housing Act 1996 requirements

This document fulfils the requirements of section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) with regard to the publication of the ASB procedures of a local authority landlord.

This policy contributes to the Council's statutory requirement under the Crime and Disorder Act 1998 that places a legal duty to work in partnership to tackle the city's crime and disorder priorities. Section 17 of that Act states: *"each authority needs to do all it reasonably can to prevent crime and disorder and to ensure services give due regard to crime and disorder."*

8. Comments, compliments and complaints

As a service provider, Oxford City Council strives to excel in customer satisfaction. We particularly welcome feedback where our staff, services, policies and procedures have exceeded customer expectations

Oxford City Council's objective is to build a world class city for everyone and excel in our service provision, but we recognise that things sometimes can go wrong. When they do, we want to put them right as soon as possible and learn from what happened to develop and improve services and procedures.

To ensure we receive customer feedback, either positive or negative, please use our on-line form that can be found here:

www.oxford.gov.uk/complaints

or call us on our mainline number: 01865 249811

www.oxford.gov.uk



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