

Anti-Social Behaviour Policy and Procedure



1 Aims of policy

- To ensure a witness centred approach to dealing with anti-social behaviour
- To ensure equal treatment of all our customers regardless of race, ethnic origin, gender, age, religion, sexual orientation, mental health or disability.
- To take early action – early interventions to dissuade and deter perpetrators.
- To use all reasonable and lawful means available to stop anti-social behaviour.
- To improve communications between agencies.
- To ensure multi agency working to deliver both support and also enforcement of sanctions where necessary.
- Have proactive involvement in the development of protocols on tackling anti-social behaviour with police, social services, education, health and probation services in order to facilitate the exchange of information and operational co-working on individual cases.
- Development of tenants and residents groups to help build the confidence and capacity to challenge anti-social behaviour in our communities. Work with the groups to establish a positive sense of community with values and aspirations based on reasonable standards of behaviour, tolerance and community confidence, pride and support.

2 Scope of the policy

This policy outlines how Chorley Community Housing will deal with anti-social behaviour perpetrated by an individual or group that is capable of causing nuisance or annoyance to any person and interferes with Chorley Community Housing's ability to carry out its housing management function.

3 Monitoring, review and consultation

Chorley Community Housing will undertake regular reviews of this policy and ensure it continues to meet the requirements of the national policy agenda and the housing Corporation.

Reviews will be undertaken at least annually.

Performance information will be collated monthly and reported to the Anti-Social Behaviour Theme Group and the Board on a quarterly basis.

The tenants of the Anti-Social Behaviour Theme Group will meet quarterly to monitor performance and consider service improvements. Any feedback from this consultation will be reported back to the Board.

Next Review Date : May 2007

4 Responsible Officer

Director of Customer and Neighbourhood Services

5 Contact details

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Executive Summary

Successfully dealing with anti-social behaviour is a key part of developing sustainable communities. Chorley Community Housing will use all remedies at its disposal whether preventative, supportive or enforcement to try to ensure that all residents can live their lives in the peace and comfort to which they are entitled. However, we appreciate that we cannot successfully tackle anti-social behaviour in isolation. The success of our policy and procedures is based on good working relationships with residents, the Police and other agencies.

1 Introduction

People are entitled to live their own lives the way they want to, but at the same time, the rights of others need to be respected. Sometimes, people living close to one another will come into conflict over actions which affect each other. The problem can often be resolved by talking it through or by one or both parties involved being more thoughtful about how their behaviour affects others.

Sometimes, however, the problem continues or gets worse. In these circumstances, Chorley Community Housing may need to become involved in order to protect the rights of its tenants or people adversely affected by the behaviour of its tenants.

2 Policy

STATEMENT OF POLICY

WHAT IS NEIGHBOURHOOD NUISANCE AND ANTI-SOCIAL BEHAVIOUR?

The following definition is contained in the Housing Act 1996 inserted by the Anti Social Behaviour Act 2003. Anti Social behaviour applies to conduct which:

- Is capable of causing nuisance or annoyance to any person; **and**
- Directly or indirectly relates to or affects the housing management function of Chorley Community Housing
- Consists of or involves using or threatening to use housing accommodation owned by Chorley Community Housing for an unlawful purpose

Anti-social behaviour covers a wide range of behaviour. It can range from serious acts of violence and harassment to noisy dogs or overgrown gardens.

Examples of behaviour classed as anti social include:

- Noise
- Intimidation and harassment
- Litter and rubbish dumping;
- Graffiti and vandalism;

- Uncontrolled pets;
- Nuisance from vehicles, including parking and abandonment;
- Unkempt gardens;
- Aggressive & threatening language & behaviour
- Actual violence against people & property
- Hate behaviour that targets identified groups because of their perceived differences e.g. race & ethnicity, gender, age, religion, sexual orientation, mental health or disability
- Using the property for any criminal, immoral or illegal purpose.

THE STRATEGIC CONTEXT

The development of the policy and procedure reflects existing statutory obligations, the regulatory code of the Housing Corporation and the content of associated policies of Chorley Community Housing. The policy and procedures are compatible with other legislation such as:

- Crime & Disorder Act 1998
- Homelessness Act 2002
- Race Relations Act 1976
- Human Rights Act 1998
- Children Act 1989
- Disability Discrimination Act 1995

OBLIGATIONS OF TENANTS

THE TENANCY AGREEMENT AND CONDITIONS OF TENANCY

All new tenants sign a tenancy agreement, which is a legal contract between them and Chorley Community Housing. The agreement states that a tenant is responsible for their own behaviour and the behaviour of anyone that lives with them or visits them. Therefore, if a tenant, their children or their visitors are acting anti-socially Chorley Community Housing can take action.

The tenancy agreement and conditions of tenancy may be used as both a preventative and reactive device. It communicates the landlord's expectations regarding behaviour and it may remove some of the potential obstacles to legal action.

The conditions of tenancy are explained to each tenant when they sign up for their tenancy and they are detailed in the Tenancy Agreement, a copy of which is provided to every tenant.

STARTER TENANCIES

All new tenants will be signed up to a 12 month Starter Tenancy. During this time, Chorley community Housing will monitor the conduct of the tenancy. If the tenancy is not conducted in a satisfactory manner, Chorley Community Housing will begin proceedings to either extend the period of the Starter Tenancy for a further 6 months or to take possession of the property. A Starter Tenancy allows for quicker and easier legal action to be taken as there is no requirement to prove any ground for possession, nor is there any discretion on the part of the judge to grant an order.

However, Chorley Community Housing can be challenged on public law grounds in judicial review proceedings.

If the tenancy has been conducted satisfactorily then the tenant(s) will be given additional rights associated with fully assured tenancies.

THE ANTI-SOCIAL BEHAVIOUR TEAM

Chorley Community Housing has a specialised team dedicated to dealing with complaints of anti-social, which are serious or cannot be resolved by the initial intervention of the Neighbourhood Officer. Officers have access to specialist equipment such as noise recording equipment, cameras and CCTV and are trained in evidence gathering and surveillance techniques. Their skills and knowledge will be maintained and developed in order to ensure the provision of an effective service.

SUPPORT OF COMPLAINANTS AND WITNESSES

Chorley Community Housing appreciates that witnesses are crucial to tackling anti social behaviour. We need witnesses to report incidents and provide evidence. Direct witness evidence will always be of a higher quality than any other as it demonstrates the true distress and annoyance of anti social behaviour. We will endeavour to provide support to witnesses at all stages of the process as follows:

- We will be clear about what constitutes anti social behaviour
- We will make the process of reporting as simple as possible
- We will discuss and plan every stage of any legal action with witnesses
- We will ensure witnesses are kept informed of the progress of their case
- We will, in serious cases, assess the witness's home environment and provide appropriate protection measures e.g. installing new locks on windows & doors,
- We will accompany witnesses to court and enlist the help of the Witness Service. Trained volunteers will provide emotional support and practical information about court proceedings.
- We will provide ongoing support for as long as is reasonably practicable following any legal action.

USE OF PROFESSIONAL WITNESSES

In very serious cases, for example where there is a problem of witness intimidation or a fear for personal safety, we will consider the use of Professional Witnesses.

Professional Witnesses will carry out covert observation, surveillance and assist with the collection of evidence. The professional Witnesses will attend court and present the evidence they have collected. A Professional witness may be a member of the Anti-Social Behaviour Team or could be employed from an external agency.

A decision to make their appointment will be made by the Chief Executive/ Managing Director after multi agency consultation.

REHOUSING

It is our aim to stop anti-social behaviour rather than people having to move out of their homes to avoid it. Therefore, generally we do not move people when dealing with cases of anti-social behaviour. However, we do appreciate that in situations of severe harassment or fear for personal

safety that this may be the best course of action. Where there is evidence of this and a witness requests rehousing, their case will be dealt with as stated under the “Emergency Cases” Section of the Allocations Policy.

HARASSMENT

We understand that people suffer harassment due to race, religion, age, sexuality, gender, mental health, disability, cultural issues or because they have HIV or Aids.

We believe that everyone should be able to live in freedom from harassment. We will take complaints of harassment very seriously. A complaint of harassment will be investigated as a complaint of anti-social behaviour as set out in our procedure.

As regards racial harassment, Chorley Community Housing has adopted the following definition of a racist incident:

“A racist incident is any incident which is perceived to be racist by the victim or any other person.”

Any complaints of racial harassment will also be referred to a staff member who is responsible for monitoring racist incidents. The complainant will be contacted by the officer for more detailed information. Where appropriate, the incident may also be referred to the multi- agency racial incidents panel of which Chorley Community Housing is a member.

DOMESTIC VIOLENCE POLICY

We will treat all reports of domestic violence seriously. Each case will be treated individually to decide the best course of action to deal with it. This could include consideration for rehousing into temporary or permanent alternative accommodation which would be dealt with by the Homelessness Team, or taking action against the perpetrator to remove them from the property,

PREVENTION OF ANTI SOCIAL BEHAVIOUR

Prevention is an essential part of our approach to anti-social behaviour.

Examples of such initiatives include:

Mediation - Where a tenant may feel uneasy at approaching a neighbour themselves we can offer the services of PANDA (Preston Area Neighbourhood Dispute Action). They have a proven record of improving and resolving disputes. They have a number of volunteers who are trained in mediation skills and in all the up to date legislation. The mediators do not take sides and they do not judge anyone. They help people look at their problems and to manage or resolve their disputes in an informal way. They offer a way to resolve conflict without using the courts. Mediation has a role to play in reducing conflict and aggression in the community and in helping people find ways of living together peacefully.

Neighbourhood Wardens – Chorley Community Housing will work with Chorley Borough Council’s team of Neighbourhood Wardens who have the task of patrolling the borough to deter crime, anti-social behaviour, public nuisance and help sort out environmental problems such as fly tipping, littering and dog fouling.

Acceptable Behaviour Contracts (ABC's) – A voluntary agreement whereby a person agrees not to engage in nuisance/anti-social behaviour. If it is a young person, it is countersigned by the parent/guardian and in all cases is witnessed by a Police Officer and/or a Housing Officer.

Tenant Support Service – it may be the case that a tenant needs help and support in order to sustain their tenancy. The Tenant Support Service will make visits to any tenant who requires support. They will provide advice and assistance on tenancy matters and secure other services for the tenant where necessary.

Multi-Agency Problem Solving Team (MAPS) – a team co-ordinated by Chorley Borough Council which includes representatives of Chorley Community Housing and Police to target and focus on crime and disorder. They provide direct links with other agencies such as the Group Intervention Panel (GRIP), Education Welfare and Social Services.

Designing Out Crime – any replacement doors and windows to properties will be to the secure by design standard. All sheltered schemes have been upgraded to Secure by Design standards.

Diversionsary projects - we will encourage involvement in diversionsary activities in order to prevent anti-social behaviour. This will be done through referral to the Positive Intervention Group and through our Tenant Participation work with local residents groups.

Local Tenants & residents groups – we will encourage the development of tenants & residents groups to help build confidence & capacity to challenge anti-social behaviour in the community. We encourage other agencies to attend these meetings and look to work together with the residents to establish a positive sense of community with values and aspirations based on reasonable standards of behaviour, tolerance and community confidence, pride and support.

Community Caretakers – initially provided in 3 areas, the Community Caretakers will, by their presence on the estates, assist to deter crime and combat graffiti, vandalism and littering.

REHABILITATION OF PERPETRATORS AND SUPPORT FOR VULNERABLE GROUPS

In considering the most effective options for the protection of the community from anti-social behaviour we will consider the positive impact that support may have on the perpetrators. This is particularly the case where issues of anti-social behaviour are a consequence directly or indirectly of the following:

- Drug use
- Alcohol use
- Mental health
- Disability

As mentioned in the previous section, Tenant Support can provide advice and assistance on tenancy matters and secure other services for the tenant where necessary.

We will endeavour to seek intervention from appropriate specialist agencies at the earliest possible stage to prevent or manage issues as they arise. Such agencies may include

- Social services (Adults)
- Integrated Children's Service
- Drug action teams
- Drug and alcohol support teams
- Mental health services
- Youth Offending Teams (YOTs)

WORKING IN PARTNERSHIP

In order to deal effectively with anti-social behaviour, we cannot act in isolation. It is unlikely that the causes or solutions will lie solely within the remit of any one organisation and the key to success is effective partnership working. We are committed to a multi-agency approach to combat anti-social behaviour.

We may need to involve other agencies such as:

Chorley Borough Council – e.g. involvement of the Environmental Services Section in cases of noise nuisance

The Police - if there has been any criminal action;

Social Services (Adults) - if there is a support or care issue;

Youth Services (Integrated Children's Service from April 2005) - where children/teenagers are involved .

Good examples of existing partnership working include:

Community Safety Partnership – the partnership includes representatives from more than 40 organisations. It looks to target problem areas and trends and set priorities for action. Priorities include crime reduction, road safety, youth issues, town centre crime and safety, vulnerable groups, misuse of alcohol, drugs and other substances.

Anti-Social Behaviour Meeting – we are an active participant in this meeting which is led by the Anti-Social Behaviour Co-ordinator of Chorley Borough Council which takes place every month. The meeting draws together several agencies to target problem areas/ people causing anti-social behaviour. Attendees include the Police, Youth Offending Team, Fire Service, Connexions, other housing providers and Neighbourhood Wardens.

Community Beat Managers – many areas of the borough now have a Community Beat Manager. We work closely with them to provide a local multi- agency approach to problem solving.

Anti-Social Behaviour Theme Group – this group is made up of tenants and officers. This group will ensure that our customers can have a real say in the service provided to them and will help inform the future development of our policies and procedures.

DATA PROTECTION AND INFORMATION SHARING

Tackling anti-social behaviour depends on robust information exchange between agencies. Information can be exchanged with other agencies through the medium of monthly Anti-Social Behaviour Meetings. All agencies that attend these meetings are signatories to a confidentiality agreement.

We have also signed up to a Protocol with all members of the Community Safety Partnership to enable information to be exchanged between agencies in accordance with Section 115 of 1998 Crime & Disorder Act.

PUBLICITY

Any evictions or Anti-Social Behaviour Orders will be publicised in the local media in order to reassure the wider community that action is being taken to tackle anti-social behaviour and also to act as a deterrent to others.

CONFIDENTIALITY

All complaints received will be treated in the strictest confidence. It will be discussed with the complainant as to whether they wish to be identified as having made the complaint. We will not disclose the name of any complainant without their prior agreement.

Information relating to complainants and perpetrators may be shared with other agencies for the purpose of preventing anti-social behaviour.

CROSS-TENURE ISSUES

Our powers and responsibilities to tackle anti-social behaviour extend beyond our own housing stock:

- We will act to protect owner-occupiers or other tenures from the actions of tenants
- We may take action against people in other tenures to protect our tenants.

We will contribute to cross-tenure issues at a strategic level through the following multi-agency partnerships:

- The Community Safety Partnership
- Monthly Anti-Social Behaviour Meetings

PROTECTION OF STAFF

Chorley Community Housing will not tolerate any threats, abuse or violence towards their staff. This extends to people who are not directly employed by Chorley Community Housing but may be employed in connection with our housing management function.

If any member of staff is subjected to the above Chorley Community Housing will seek an injunction against the perpetrator to prevent such behaviour and, if appropriate, attach Anti Social Behaviour (ASBO) conditions.

STAFF TRAINING

We undertake to ensure that staff have appropriate training to ensure that they have the knowledge to be able to identify and investigate incidents and reports of anti-social behaviour and are equipped to take appropriate action.

Training will take the form of internal training and coaching and attendance at external courses.

OTHER RELEVANT POLICIES

Our work dealing with anti-social behaviour links directly to the following:

- Allocations Policy – An applicant will be disqualified from going on the waiting list if, when assessed, they are deemed unsuitable to be a tenant due to previous ant-social behaviour. The evidence must be such that the behaviour would have resulted in an outright possession order being granted by the court.
- Crime and Disorder Strategy
- Housing Strategy 2005-2008
- Community Plan

STATEMENT OF PROCEDURE

The following process outlines how Chorley Community Housing will deal with complaints of anti-social behaviour.

In addition to this statement, we produce a detailed step by step procedural guide for staff on how to deal with individual cases.

1. **Informing Chorley Community Housing about a case of anti-social behaviour:**

All complaints of neighbour nuisance and anti-social behaviour will initially be dealt with by a Neighbourhood Officer. If a case is very serious e.g. fear for personal safety or criminal activity, or if it involves complex issues, it will be immediately referred to the specialist Anti-Social Behaviour Team.

Complaints may be taken:

- Over the telephone: new contact numbers & addresses
- At the office (s) will need to be inserted here
- By letter
- Via a local councillor;
- By fax:
- Via e-mail:

All complaints are taken seriously and are treated with the strictest confidence. However, if court action becomes necessary, evidence will need to be presented and at this point the perpetrator may become aware of who has made complaints against him/her. Disclosure of the name of any complainant will not be made without their prior agreement.

2. **The complaint is date stamped and recorded**

All complaints will be acknowledged within five days of their receipt.

If a case is serious, e.g. harassment, or where violence is involved, we will deal with it within 24 hours.

3. **Stage 1- The Investigation**

If the problem is an obvious one, we may be able to sort it out easily. For example, if we are informed of an overgrown, rubbish filled garden we can go round and check. The tenant will be told to clear it up and action can be taken if they do not.

However, often a case is not so straightforward. If the anti-social behaviour is not obvious to everyone, or if it is aimed directly at the person complaining, it will be necessary for an Officer to conduct an interview with the complainant in order to start an investigation.

Firstly, the officer will speak to the complainant either at the office or in their own home. The officer will ask questions to establish:

- who is affected;
- how they're affected;

- where it happens;
- when it happens;
- why the complainant thinks the other person(s) is acting anti-socially.

The officer may also need to speak to other members of the household who have been affected and to other neighbours if they too have been affected.

Talking It Through - If the case does not involve threats, violence or harassment we will start with a suggestion that the complainant talks it through with the other person. There is always a better chance of solving a dispute if people try to see the others point of view. Sometimes a neighbour just needs reminding that their behaviour is upsetting someone else. Neighbours should try to be understanding of the different lifestyles of others.

Tenant Support – at this stage, if it is felt that a tenant needs help and support in order to sustain their tenancy, an officer responsible for tenant support will visit. They will provide advice and assistance on tenancy matters and secure other services for the tenant where necessary.

Mediation – we offer the services of PANDA (Preston Area Neighbourhood Dispute Action) who have a proven record of improving and resolving disputes. They help people look at their problems and to manage or resolve their disputes in an informal way.

4. **Stage 2 - Gathering Evidence**

We cannot take action against someone simply because someone has complained about them – we need evidence.

We may give out diary sheets to the complainant on which we will ask them to record all incidents of anti-social behaviour. The diary needs to be completed as an incident is happening and should contain the following details:

- date, time and duration of incident;
- where did the incident occur;
- details of what happened;
- who did it or who was involved;
- details of any witnesses;
- was it reported to the police (with details if yes);
- any further comment.

We may need other evidence such as photographs, video or tape recordings. The Anti-Social Behaviour Team has surveillance, recording & noise monitoring equipment for this purpose.-

It can be difficult for the council to take action where the person being complained about denies the allegations and it is one person's word against the other. Therefore, we may require evidence from other people who have witnessed the nuisance.

5. The person complained about will be visited by an officer and the complaints will be put to them. They are given the opportunity to respond.

6. Having collected all the evidence, spoken to all those involved and analysed all the details it will be decided whether or not any further action is required.
7. **Stage 3 - Taking Action**

If there is a case to answer, Chorley Community Housing will take action.

In very serious cases, where the perpetrator has put someone in danger, the case will be immediately referred to the Anti-Social Behaviour Team and we will go straight to legal action.

This is also the case where a tenant is convicted of using the property for illegal or immoral purposes

In other cases a more step by step approach will be taken to try to get the perpetrator to change their behaviour.

Step 1 - an officer will visit and give advice to the perpetrator on how to change their behaviour. They will also advise them that the council will act firmly if they do not.

Step 2 - a follow up letter will be sent to the perpetrator outlining the points which were discussed at the visit.

Step 3 - the complainant will be kept informed about what action has been taken.

Step 4 - the situation will be monitored with officers keeping in contact with both the complainant and the perpetrator to see if the situation has improved or whether the nuisance is continuing.

Step 5 - the complainant may be required to continue to complete diary sheets if the nuisance is ongoing and further investigations may need to be made.

Involving others

We will seek to ensure that actions compliment one another. It may be the case that several ways of trying to solve the nuisance are employed at the same time.

As mentioned previously, mediation may be used as a way to try to resolve the problem.

We may need to involve departments from the Council such as Environmental Health, e.g. to have noise monitoring equipment installed.

We can request that the council's team of **Neighbourhood Wardens** target an area where there is a problem. They will patrol the area to deter crime, anti-social behaviour and public nuisance. They can also act as witnesses to acts of anti-social behaviour should legal action become necessary.

We will involve other agencies as appropriate, such as:

The Police - if there has been any criminal action;
Social Services or other support agencies- if there is a support or care issue;
Youth Services (Integrated Children's Service from April 2005) - where children/teenagers are involved.

An alternative to legal action may be an **Acceptable Behaviour Contract**. It is a voluntary written agreement which specifies a list of anti social acts which the person has been involved in and which they agree not to continue. An Officer from Chorley Community Housing and/or the Police will witness this.

The process so far outlined is enough to solve the vast majority of problems. However, if the anti social behaviour continues, after a final warning the case will be referred to the Anti-Social Behaviour Team and we will start legal action.

The Anti-Social Behaviour Team – a team dedicated to dealing with anti-social complaints, which are serious or cannot be resolved by the initial intervention of the Neighbourhood Officer. Officers have access to specialist equipment such as noise recording equipment, cameras and CCTV and are trained in evidence gathering and surveillance techniques.

As outlined in our Statement of Policy, in very serious cases, for example where there is a problem of witness intimidation or a fear for personal safety, we will consider the use of Professional Witnesses. Professional witnesses could be trained Officers from the Anti-Social Behaviour Team.

Also, in serious cases, an assessment of the witness's home will be carried out to identify any appropriate witness protection measures e.g. new locks, panic buttons etc. and an assessment will be made as to whether the witness requires temporary or permanent rehousing.

8. **Stage 4 - Legal Action**

To protect our communities we must take legal action against tenants, their children or their visitors where they are a threat to others or where they refuse to stop acting anti-socially. However, we must have evidence to show a judge that a person has been guilty of anti-social behaviour.

People often look at eviction as being the only way to deal with continuing anti-social behaviour. However, there are other options available to deal with it, which, dependant on the case, may be more appropriate. **Often the person suffering the anti-social behaviour just wants the nuisance to stop.**

Each case will be dealt with individually. The best option for one case may not be for another. The most appropriate action to take will be decided between the officers dealing with the case, our solicitors and the complainant(s). Input from any other agencies that have had dealings in the case will also need to be considered. Dealing with anti-social behaviour is very much a partnership approach.

Options include:

Injunctions – there are several different types of injunction but generally it is an order from a court that tells someone to either:

Stop doing something – e.g. stop causing a noise nuisance with loud parties every night;

Or

To do something – e.g. remove a noisy dog from their home.

In serious cases, if there is a significant risk of harm/threats/use of violence, a court can attach a power of arrest and an exclusion order, which would exclude the person from a property or an area. If breached, it is a criminal offence and may result in a fine or imprisonment.

Undertakings – the perpetrator will make a promise to the court to do a certain thing or not do a certain thing. These promises are binding as in a similar way to an injunction order.

Demotion of Tenancy – we can apply to the court for a Demotion Order. If granted, this will replace the assured tenancy with a Demoted Assured Shorthold Tenancy. With a Demoted Tenancy, the tenant(s) remain the same with the same rent and conditions of tenancy but the tenant loses certain tenancy rights e.g. the Right to Buy. Also, if the nuisance persists, it is easier to obtain possession through the courts.

Possession – we can ask a court to evict a tenant because of their anti-social behaviour or because of the actions of someone living with them or visiting them.

It would be necessary to prove to the court that this is reasonable and it would be up to the judge to decide whether or not the possession can go ahead.

If the judge grants possession it could be either:

- **immediate possession** – the tenant has to move out within a certain time decided by the judge

Or

- **suspended possession** – the judge sets a time period during which the tenant must not repeat their behaviour. If they keep to this and do not repeat their anti-social behaviour, then no further action is taken. However, if within the timescale set they repeat the nuisance then Chorley Community Housing will take the case back to court and ask for immediate possession.

Anti-social Behaviour Orders (ASBO) – this can be applied to any individual aged 10 years or over whose behaviour causes alarm, distress or harassment to one or more people not in the same household as him/herself. An anti social behaviour order application is civil, not criminal proceedings so Chorley Community Housing would have to apply to the magistrates court for this type of order. It would prohibit the person(s) against who it is being made from doing anything described in the order. Breach of an anti-social behaviour order without reasonable excuse is a criminal offence.

The success of an application for an anti social behaviour order will depend, to a large extent, on what evidence Chorley Community Housing has to prove its case. It is likely that Chorley Community Housing will need substantial evidence from neighbouring tenants/other affected persons.

Supporting other legal actions – CCH will support other agencies in any legal action they seek to bring in respect of anti-social behaviour issues, providing it has been considered via a multi-agency discussion forum or is promoted by the Police and does not prejudice the interests of CCH.

The Evidence Required

Diaries - as mentioned in Stage 2, we will ask witnesses to complete diaries to record incidents that will be used as evidence.

Statements - if we take a case to court, we will need to bring evidence from a person who has been affected by the nuisance or anti-social behaviour. The person(s) affected will need to make a formal statement. An officer will go through the incident diary with the complainant and turn it into a written statement describing exactly what happened.

Affidavits - these are now rarely used. Where they are used, before the case goes to court or soon thereafter, the statement is turned into an affidavit. The complainant will be asked to sign the affidavit and swear that it is true in front of a solicitor or court officer.

Where we are taking a case to court, the person(s) affected may also be required to give evidence in person. The investigating officer will attend court with the complainant(s) and provide ongoing support for as long as is reasonably practicable.

CLOSING A CASE

A case will be closed for the following reasons:

- it is considered that there is no breach of tenancy
- there is insufficient evidence
- successful preventative action is taken

Once the case is closed, a Customer satisfaction form will be sent to the complainant to provide feedback on the service.

When things go wrong we want to know, to have the chance to put things right, learn by our mistakes and avoid making them again. Any complaints will be dealt with according to the Council's complaint procedure, a copy of which is available from any of the Council offices.

3 Monitoring, review and consultation

Chorley Community Housing will undertake regular reviews of this policy and ensure it continues to meet the requirements of the national policy agenda and the housing Corporation.

Reviews will be undertaken at least annually.

Performance information will be collated monthly and reported to the tenants of the Anti-Social Behaviour Theme Group and the Board on a quarterly basis.

The tenants of the Anti-Social Behaviour Theme Group will meet quarterly to monitor performance and consider service improvements. Any feedback from this consultation will be reported back to the Board.

We currently collect the following monthly performance information:

- number of new cases
- number of cases closed
- number of cases dealt with to the satisfaction of the complainant
- % of cases dealt with in partnership with other agencies

- number of referrals to the mediation service and Neighbourhood Wardens
- number of legal actions taken

