



City of Westminster

# WCC ANTI-SOCIAL BEHAVIOUR POLICY

General ASB

This is the General ASB 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.

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## 1. Scope and purpose of this policy document

This is the General ASB **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.

## 2. The Council's responsibilities

Westminster City Council believes that no-one should tolerate anti-social behaviour. The Council works in partnership with other agencies and will use all of our available tools and powers to address anti-social behaviour. The policy sets out our approach to fulfilling our duties as:

**A Responsible Authority** of the Safer Westminster Partnership (SWP) 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 Westminster. The Council makes a significant contribution to dealing with anti-social behaviour of all kinds and undertakes both investigations and prevention activities.

**A landlord** because the Council has a duty to respond to ASB affecting the properties we manage. We have specific powers as a landlord to address anti-social behaviour within the properties Westminster Housing manages. We address anti-social behaviour by non-council tenants in collaboration with the Police and external Housing Providers, using every tool available to the wider partnership.

**An environmental protection champion:** the Council takes our responsibility to protect the environment very seriously and has a range of statutory powers to deal with environmental anti-social behaviour, including but not limited to the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Anti-social behaviour, Crime and Policing Act 2014. Examples of environmental anti-social behaviour that we address includes issues such as noise, graffiti, litter, fly-tipping, highway obstructions and abandoned vehicles.

## 3. 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 Policy, 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 and 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

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.

The Council **will not** investigate the following everyday behaviours under this policy:

- Children playing in a public place or a garden
- Neighbour complaints regarding boundary disputes and other residential property matters, for example, location of waste receptacles, cooking smells, smoking and untidy gardens.
- Noise from emergency service vehicles.
- Noise from aircraft including helicopters or other motorised airborne vehicles and drones should be reported to the Civil Aviation Authority and/or National Police Air Service (NPAS)
- Noise from demonstrations. This should be reported to the Police
- Reasonable living noise in domestic settings such as lawn mowing, household DIY, loud talking, toilets flushing, sexualised noises, children and animals playing within the premises, banging doors and noise from household appliances, playing of unamplified musical instruments.
- Cycling, skateboarding, or riding of e-scooters
- Alcohol consumption in a public space that is not causing anti-social behaviour.
- Sporadic noise and talking from late night revellers moving through public spaces
- People because they are homeless or rough sleeping. This is a social care issue, unless there is associated ASB

#### **4. Reporting Anti-social behaviour**

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.

Incidents of a criminal nature must be reported to the police, for example, drug dealing. The police are the lead response and investigatory service for criminal offences. The Council work closely with the police and will consider criminal behaviours when investigating an anti-social behaviour case.

The Council will record but not usually investigate anonymous complaints, the reason being that it is important for us to be able to speak to a complainant about the behaviour they are concerned about. The City Council takes its responsibility to protect the confidentiality of our communities very seriously and will make victims and witnesses aware of the ability to present their evidence anonymously if required.

We will not disclose a complainant's personal details to the alleged perpetrator of the behaviour. Where it is necessary to speak to the alleged perpetrator, the complainant will be advised prior to a contact.

In order to investigate reports of anti-social behaviour we rely on evidence supplied by complainants and witnesses. We will not investigate cases where no evidence or details of the case is provided.

Successful resolution of anti-social behaviour occurs before the behaviour escalates. The Council encourages our residents and businesses to communicate safely with each other to try and resolve their differences at the earliest opportunity, without the need for the involvement of other agencies. The Council will encourage this course of action, whenever appropriate.

There are different tools available to facilitate this dialogue that we would encourage parties to consider; Westminster Housing uses 'Dear Neighbour' cards or in some circumstances may suggest mediation between both parties. An independent mediation service or alternative 'Dear Neighbour' card may be available from your landlords.

#### **5. Our Commitment**

Westminster City Council have adopted the Home Office Anti-Social Behaviour principles into this policy, outlining the Council's approach to tackling anti-social behaviour, how cases are managed and how we work with our communities.

### **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**

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.

## **6. Concerns for children, young people, and vulnerable adults**

Westminster City Council adheres to the [London Safeguarding Children Procedures](#) and the [London Multi-Agency Adult Safeguarding Policy and Procedures](#) which set out how officers should respond to a report of abuse or neglect to a child, young person, or adult with care and support needs.

It is not uncommon for safeguarding concerns to arise at the initial report stage or during an anti-social behaviour investigation.

The requirements of these safeguarding policies and procedures may take primacy over this policy, and a collaborative multidisciplinary approach should be taken to all situations where both ASB and safeguarding concerns arise.

## **7. Community Trigger - Anti-social Behaviour, Crime and Policing Act 2014**

We recognise the devastating impact that ASB can have on people's lives and encourage victims of repeat ASB to consider applying for a Community Trigger review if they feel they have met the local threshold below.

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, you can request a formal case review by [starting a community trigger](#).

For further information on what to expect if you apply for a Community Trigger review, please see our film [Community Triggers - Westminster](#)

## **8. Landlord Responsibilities**

Section 218A of the Housing Act 1996 requires local housing authorities, as landlords, to prepare and publish policies and procedures in relation to ASB. If you are a resident of a Westminster City Council property full details can be found here:

A link to the [Westminster Housing - Statement of ASB Policy & Procedures](#)

The approach taken by the landlord service underpins the overall duties of the City Council.

## **9. Unreasonable customer behaviour**

While complaints are always to be welcomed, some customer behaviour may be considered unreasonable, and this takes up a disproportionate amount of council resources. Unreasonable behaviour may include persistent contact and unreasonable demands, while the complaint is being investigated, or once all the complaints stages have been exhausted. Where behaviour is considered unreasonable the appropriate action will be taken. This may involve establishing a cut-off point for dealing with the issue and advice on how to escalate a case to the relevant Ombudsman if the customer is dissatisfied with the council's response.

Other action may be taken in line with the recommendations of the council's Complaints Manager or with separate procedures, developed by some services, for dealing with persistent unreasonable behaviour. These procedures will be shared with customers if appropriate, and upon request, and they will be advised where they are being followed.