

# **APPENDIX 1 – Manchester City Council’s Anti-Social Behaviour Policy and Procedure**

## **Summary**

This document provides staff and customers with a summary of our approach and the actions that will be taken when a report of anti-social behaviour (ASB) is received.

### **1. REPORT OF ANTI-SOCIAL BEHAVIOUR**

#### **1.1 When does the council investigate a report of anti-social behaviour?**

The Council may take the lead in investigating reports of ASB in the following circumstances;

- When the person experiencing and/or perpetrating anti-social behaviour is a Council Housing Services (formerly Northwards Housing) tenant, or if the ASB is perpetrated by another person when visiting a Council tenant,
- When both the person experiencing and the person perpetrating anti-social behaviour are owner occupiers or reside in privately rented accommodation,
- When the ASB is taking place in any public place or place to which the public have access.

When either the person experiencing ASB or the alleged perpetrator of ASB is a tenant of another social landlord, the report of ASB should be made to the relevant social landlord.

ASB involving criminal conduct should be reported to Greater Manchester Police (GMP) by telephoning 101 or 999 in an emergency.

#### **1.2 Making a report of ASB to the Council**

Residents can make reports of ASB by telephone, online or in writing.

If you are a private resident, please contact us with your report by telephoning 0161 234 4612 or report online:

[http://www.manchester.gov.uk/info/200030/crime\\_antisocial\\_behaviour\\_and\\_nuisance](http://www.manchester.gov.uk/info/200030/crime_antisocial_behaviour_and_nuisance)

If you wish to make a report by post, please write to Anti-Social Behaviour Action Team, Manchester City Council, POX BOX 532, M60 2LA.

If you are a Council Housing Services (formerly Northwards Housing) tenant or are experiencing ASB caused by a Housing Services tenant, please contact us with your report by telephoning 03000 123 123 or reporting online:

<https://www.northwardshousing.co.uk/your-home-neighbourhood/report-asb-or-abuse>

Reports of ASB can be made by a third party, for example by a Local Councillor, Member of Parliament, or Social Worker with consent of the person who has experienced the ASB.

We do not accept reports of ASB by social media, e.g., Twitter.

### **1.3 What types of reports will be investigated?**

ASB can mean different things to different people and may or may not include criminal activity. Types of behaviour that the Council will investigate include;

- Hate crimes / Hate Incidents
- Use or threatened use of violence
- Repeated abusive language or behaviour
- Harassment
- Damage to property
- Domestic Abuse

With reference to this ASB policy the following matters will not be investigated;

- Children playing ball games, unless the children are also engaged in associated ASB.
- Actions that are considered to be normal everyday activities or household noise.
- Reports related to people staring with no other associated ASB.
- Parking disputes with no other associated ASB
- Actions which amount to people being unpleasant to each other but are not sufficiently serious considering the likely harm caused to justify our involvement.
- Cases of illegal drug use, production or supply when there is no associated ASB. Residents will be advised to report such issues to Greater Manchester Police. Council tenants (formerly Northwards Housing) can report drug production or supply concerns to Housing Services.
- Complaints about neighbours' CCTV e.g., the area covered by CCTV cameras and concerns about intrusion. If you are a Council tenant, then you can discuss these issues with Housing Services.
- For private residents - environmental or other housing issues such as noise nuisance, fly-tipping, overcrowding and disrepair are dealt with by other Council departments. Reports can be made via the Council's website [www.manchester.gov.uk](http://www.manchester.gov.uk).

The lists above are not exhaustive. Officers of the Council will use their judgement to establish an appropriate response.

### **1.4 Anonymous Reports**

The Council always prefers to have direct contact with the person experiencing the ASB to understand the problems they are experiencing, offer appropriate support and

provide updates regarding the investigation. Officers will investigate an anonymous report if the report can be substantiated and will make reasonable attempts to substantiate the report.

### **1.5 How are anti-social behaviour reports prioritised?**

Reports of ASB are prioritised at point of contact. This involves confirming the allegation and asking a series of short questions to assess the potential risk of harm caused by the ASB. Reports of ASB are then allocated to a named Investigating Officer.

If the ASB involves the use or threat of violence or there is a significant risk of harm i.e., a hate crime/incident, an officer will aim to contact the person reporting within one working day. For all other reports of ASB an officer will aim to make contact within three working days.

## **2. ANTI-SOCIAL BEHAVIOUR INVESTIGATION**

### **2.1 Initial interview**

When a report of ASB is made, the Investigating Officer will interview the person reporting the incident to confirm all relevant facts and an action plan will be discussed. As part of the action plan the Reporter will be expected to keep an accurate record of any further incidents and report to the Investigating Officer. The officer will assess the Reporter's vulnerability and provide appropriate support throughout the investigation.

### **2.2 Wider Investigations**

Investigating Officers will usually conduct a wider investigation which may involve contacting other potential complainants or witnesses, in addition to making enquiries with any relevant Council departments or partner agencies such as Greater Manchester Police.

When the alleged ASB is associated with people residing in a private rented property the Investigating Officer will speak with the private landlord as part of their enquiries. Investigating Officers work closely with the Council's Housing Compliance and Enforcement Team to determine the appropriate course of action when the private rented property is in a Selective Licensing area, is a House in Multiple Occupation (HMO) and when the ASB is alleged to be perpetrated by a private landlord.

Information about renting from a private landlord can be found at [https://www.manchester.gov.uk/info/108/people\\_renting\\_from\\_a\\_private\\_landlord](https://www.manchester.gov.uk/info/108/people_renting_from_a_private_landlord)

### **2.3 Interviewing the alleged perpetrator**

The Investigating Officer in collaboration with the Reporter will determine if an interview with the alleged perpetrator is necessary and if so (except where urgent legal action is being considered) contact will be made with the alleged perpetrator. They will be given a fair opportunity to respond to the anti-social behaviour

allegations. The Investigating Officer will explain the consequences of engaging in anti-social behaviour and summarise the next steps in the investigation.

## **2.4 Counter Allegations**

Investigating Officers will conduct a proportionate investigation into any counter allegation that is considered to be anti-social behaviour. Feedback will be provided to the person making the counter allegation.

## **3. ANTI SOCIAL BEHAVIOUR ACTIONS**

### **3.1 Levels of Evidence**

Most anti-social behaviour investigations take place within a civil law framework which means a civil standard of proof is applicable. The Investigating Officer needs only to be able to demonstrate that the incident(s) is more likely than not to have happened.

When legal action has been taken and a Court Order has been disobeyed i.e., breach of an Injunction, Closure Order or prosecution for breach of a Community Protection Notice or a Public Spaces Protection Order the criminal standard of proof applies. This means that the Investigating Officer will need to demonstrate that the incident(s) happened “beyond reasonable doubt”.

### **3.2 Insufficient Evidence**

During an investigation there may be several reasons why an Investigating Officer cannot take action. These reasons may include;

- Establishing that the incident did not happen
- Not having enough evidence to prove the matter to the relevant standard of proof
- Finding the issues reported to be not what the Council considers as anti-social
- Not being able to investigate fully due to non-cooperation of the Reporter / witness
- The ASB has stopped and the likelihood of further ASB is low

The Investigating Officer will inform the Reporter at the earliest opportunity if they determine that they cannot take action or further action and will close the case.

### **3.3 Determining Appropriate Anti-Social Behaviour Actions**

The Investigating Officer will assess each case on the information available and the actions taken will be proportionate and bespoke to the circumstances of each case. Typically Investigating Officers will use informal methods to try to resolve a report of anti-social behaviour in the first instance. However, in urgent cases, such as when there has been a use or threat of violence, legal action may be the first course of action.

### **3.4 Informal methods**

Investigating Officers may consider using informal methods such as;

- Mediation
- Restorative Meetings
- Providing information and advice
- Investigatory interviews
- Warning Interviews
- Acceptable Behaviour Agreements / Contracts
- Referrals to partners / support agencies

### **3.5 Legal action**

Investigating Officers may consider remedies or legal action such as;

- Injunction (including powers of arrest)
- Criminal Behaviour Order
- Community Protection Notice
- Public Spaces Protection Order
- Dispersal Power (police power only)
- Expediated Public Spaces Protection Order
- Closure Order
- Breach Proceedings
- ASB Possession Proceedings (within our landlord capacity only)
- Noise Abatement Notice\*

\*The Council's Licensing, Compliance and Out of Hours Team leads on statutory noise nuisance investigations. Further information can be found at [www.manchester.gov.uk](http://www.manchester.gov.uk).

There may be other informal methods and legal action that the Investigating Officer considers are appropriate dependent upon the circumstances of the case.

### **3.6 Justification**

Officers will justify the use of informal methods and/or legal actions with reasons.

### **3.7 Manager Review**

Cases are regularly reviewed by a manager to ensure that this policy and procedure has been followed and appropriate advice and support has been provided to residents. If the Investigating Officer considers it appropriate to proceed with legal action, the case will be reviewed by a senior manager prior to making a referral to legal services for legal advice. The Investigating Officer will always consider the legal advice received prior to instructing a solicitor to proceed with a legal application. Such advice is legally privileged and therefore will not be disclosed.

## **4. ANTI SOCIAL BEHAVIOUR CASE CLOSURE**

### **4.1 Reasons for Case Closure**

Investigating Officers will close cases in a timely manner so that cases are not open longer than necessary. The Investigating Officer will communicate with Reporters and partners when resolutions have been reached, or a case is closed and ensure accurate recording of cases.

## **5. REPORTER SATISFACTION SURVEYS**

The Service will endeavor to complete a short survey with Reporters to check if they are satisfied with the service they have received. The manager will be made aware of any circumstances when the feedback received is not satisfactory.

From April 2023, the Council (Housing Services) collects data to report to the Regulator of Social Housing on Tenant Satisfaction Measures Standards. This includes satisfaction with the landlord's approach to handling anti-social behaviour.

## **6. COMMENTS AND COMPLAINTS**

If anyone would like to provide feedback or is dissatisfied with the anti-social behaviour service, they have received they may share this information or make a complaint to the Council, which will be fully investigated.

For private residents details of how to complain can be found at:

[http://www.manchester.gov.uk/info/200025/reports\\_comments\\_and\\_questions](http://www.manchester.gov.uk/info/200025/reports_comments_and_questions)

For Council tenants details of how to complain can be found at:

<https://www.northwardshousing.co.uk/about-us/contact-us/make-a-complaint/>

## **7. REVIEW PERIOD**

This policy and procedures statement will be reviewed in line with Manchester's Community Safety Strategy and any changes to relevant legislation.

## **Manchester City Council Anti-Social Behaviour Policy and Procedure Statement**

### **1. Strategic Overview**

In July 2022 the Government published guidance on Anti-social behaviour principles. The Anti-social Behaviour Strategic Board, chaired by the Home Office, developed a set of principles which seek to describe a consistent approach to understanding and addressing anti-social behaviour 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. The Council contributed towards the development of the principles through engaging in consultation. The

Council's approach to understanding and addressing anti-social behaviour in Manchester is consistent with the principles.

The principles are:

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.

The Our Manchester Strategy Forward to 2025 sets the vision for Manchester. One of our key aims is to be a place where residents from all backgrounds feel safe, can aspire and live well. The 'Our Manchester' approach ensures equality, inclusion and sustainability are at the heart of all we do.

Manchester's Community Safety Strategy was refreshed in 2022 and through research, consultation and data analysis five key priorities for the next three years have been identified:

1. Tackling neighborhood crime and antisocial behaviour
2. Keeping children and young people safe
3. Tackling serious harm and violence
4. Tackling drug and alcohol driven crime
5. Protecting communities through changing offender behaviour

The aim is to tackle anti-social behaviour (ASB) through an approach of early intervention and prevention, support, and enforcement action when necessary. We

aim to strengthen community capacity to resolve issues, protect and support victims and use informal and formal tools and powers to tackle ASB. By working together, we are building more resilience in communities to challenge the corrosive effect of anti-social behaviour, intimidation and harassment caused by a minority of people.

The Council, along with our community safety partners, is committed to Greater Manchester's drive for Public Service Reform. This includes helping people become less dependent on services. Effectively reducing the demand caused by reoffending and anti-social behaviour allows the Council and partners to focus resources on other priorities.

The Anti-Social Behaviour Act 2003 places a legal requirement on all social landlords to publish an Anti-Social Behaviour Policy and Procedure Statement. This document fulfils this legal requirement.

This statement is also applicable to anti-social behaviour investigations in the private sector where there is no link to the housing management function of the Council, or another social landlord. This policy is written having regard to the Council's overarching corporate enforcement policy. The Council will enforce anti-social behaviour legislation in a fair, equitable and consistent manner. Firm action will be taken against those who flout the law or act irresponsibly.

The Council applies a harm centred approach to tackling anti-social behaviour. The Council will consider the harm caused to individuals and communities along with the type of anti-social behaviour reported and the available evidence to determine a course of action that the Council deems appropriate.

Through applying solid effective ASB case management principles, starting at the point of contact and continuing throughout the management of a case, officers will take action that is appropriate and proportionate to the harm caused to the victim or witness, the nature of the complaint and the quality of evidence available.

The key aims that officers will consider throughout ASB casework processes are to resolve issues at the earliest opportunity, protect individuals and communities, stop and change the offending behaviour where possible and keep an emphasis on supporting the Reporter or witness.

This statement specifically focuses on anti-social behaviour and does not include issues that should be investigated in relation to other legislative frameworks.

## **2. Links to relevant Strategies, Plans and Policies**

Tackling anti-social behaviour is a broad subject area and links to a wide range of specific strategies, plans, policies and procedures including those listed below. This is not an exhaustive list.

- Manchester Community Safety Strategy
- Manchester Domestic Abuse Strategy
- Greater Manchester Hate Crime Plan

- Manchester Serious Violence Strategy
- Manchester Criminal Exploitation of Adults with Vulnerabilities Procedure
- 3<sup>rd</sup> Party Abuse and Harassment Policy (internal Council policy)
- The Council's Corporate Enforcement Policy
- Government ASB Action Plan (2023)

### **3. Definitions of Anti-Social Behaviour**

The Council adopts the definitions of anti-social behaviour as outlined in the Anti-social Behaviour, Crime and Policing Act 2014;

#### **a) Non-Housing Related Anti-Social Behaviour**

In a non-housing related context anti-social behaviour is considered to be conduct that 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 centre, or local park, and where the behaviour does not necessarily affect the housing management functions of a social landlord.

#### **b) Housing Related Anti-Social Behaviour**

In a housing context, anti-social behaviour is considered to be conduct that is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing related nuisance or annoyance to any person.

The Council will also consider any anti-social behaviour definitions as stated in an individual's tenancy agreement or lease with the Council when taking actions to manage anti-social behaviour.

### **3.1 Types of Anti-Social Behaviour**

Anti-social behaviour can mean different things to different people and may or may not include criminal activity. We will take action to investigate reports made by Manchester residents, visitors to Manchester, our employees and contractors. We will also accept referrals from third parties such as a Local Councillor, Member of Parliament, Greater Manchester Police and other departments within the Council with consent.

Types of behaviour that the Council may consider to be anti-social include;

- Hate crimes / Hate Incidents
- Use or threatened use of violence
- Repeated abusive language or behaviour
- Harassment
- Damage to property

- Domestic abuse – further help and advice about domestic abuse can be found at <https://www.manchester.gov.uk/domesticabuse>

This list is not exhaustive, and this policy is not an undertaking to act in every such circumstance. Officers of the Council will, in all reported cases, exercise their judgment to establish an appropriate response to the report of anti-social behaviour including what has happened, the harm caused or risk of harm, the frequency of incidents, the evidence available and any known vulnerabilities of the people involved.

### 3.2 What the Council will not investigate

The Council is committed to developing and supporting cohesive communities across the city and expects a reasonable level of tolerance between neighbours and others within our communities. Residents are encouraged, where possible, to try to resolve their disputes themselves without the need for the Council to be involved. Officers will seek to make a fair evaluation on whether complaints made are reasonable and are determined to constitute alleged anti-social behaviour. Examples of the types of reports that the Council will not investigate as anti-social behaviour allegations include;

- Actions that are considered to be normal everyday activities or household noise, for example children playing inside or outside their property
- Children playing ball games, unless the children are also engaged in associated anti-social behaviour e.g., verbal abuse, criminal damage
- Complaints related to people staring with no other associated anti-social behaviour
- Actions which amount to people being unpleasant to each other but are not sufficiently serious, considering the likely harm caused, to justify our involvement
- Cases of illegal drug use, production or supply when there is no associated anti-social behaviour. Residents will be advised to report such issues to Greater Manchester Police. We will however investigate incidents where there is a concern about the vulnerability of individuals who may be being exploited through people using or supplying illegal drugs from the property, i.e., “Cuckooed”.
- Environmental issues such as noise nuisance, fly tipping, overcrowding and disrepair. *Other Council departments are responsible for investigating these types of issues. If you are a Council tenant, you can discuss these issues with Housing Services.*
- Complaints about neighbours’ CCTV e.g., the area covered by CCTV cameras and concerns about intrusion. If you are a Council tenant, then you can discuss these issues with Housing Services.
- Parking disputes that do not involve ASB.

When determining if a report is considered to be anti-social behaviour or not, officers will exercise professional judgement. If an officer determines that the complaint does not constitute anti-social behaviour they will inform the Reporter at the earliest opportunity, advising them that no ASB action will be taken. The officer will provide

advice and sign posting information if appropriate, this may include recommending neighbours participate in mediation.

#### **4. How cases are prioritised**

The Council will prioritise reports of anti-social behaviour involving the use or threatened use of violence to person or property and / or reports involving significant harm or risk of harm to individuals, families or neighbourhoods e.g., hate incidents. These types of cases will involve making urgent contact with the person making the complaint, and consideration of applying for an Injunction without giving prior notice to the person complained about.

All other reports of anti-social behaviour will involve a standard response time, three working days, and these cases will usually involve informal actions, such as an interview with the alleged perpetrator, to try to resolve the report of anti-social behaviour without the need for legal action. When individuals fail to change their behaviour despite being given the opportunity to do so and their behaviour continues to have a negative impact upon the quality of life of another person the officer may decide that it is appropriate to take legal action.

Officers will review the approach to a case dependent upon what is reported to them, and any other new information presented to them. A standard response case may become a priority case and vice versa.

#### **5. ASB in public spaces**

The Council will investigate reports of ASB that takes place in public spaces often working together with Greater Manchester Police. During an investigation, officers consider a range of informal and formal actions to stop and prevent further ASB, however use of these powers is not immediate. Council Officers have limited 'on the spot' powers to tackle anti-social behaviour. The only ASB power available to officers to respond at the time of the incident is when dealing with a breach of a Public Spaces Protection Order (PSPO).

PSPOs are designed to stop individuals or groups committing ASB in a public space. Councils can issue a PSPO after consultation with the police, Police and Crime Commissioner, the owner or occupier of land in the restricted area and other community representatives. Breach of a PSPO is a criminal offence which can result in a Fixed Penalty Notice (£100 in Manchester) or a prosecution and fine if convicted.

Therefore, members of the public are advised to contact Greater Manchester Police if the incident involves criminal behaviour or serious risk of harm at the time the incident is happening. ASB Officers will engage with members of the public and businesses to encourage reporting of ASB in public spaces, gather evidence and investigate reports received so action can be taken.

## **6. Cross Tenure Issues**

This policy applies to reports of anti-social behaviour affecting the Council's landlord housing management function and to reports of anti-social behaviour in the private sector i.e., involving homeowners, private tenants and anti-social behaviour that takes place in an area where there is no link to the housing management function of the Council, another Local Authority area or a social housing provider.

Anti-social behaviour cases often require a partnership approach involving other Local Authority areas or social housing providers because either the Reporter or the alleged perpetrator are tenants of that organisation. When these types of reports are made to the Council the ASB Investigating Officer will discuss with the relevant organisation who will take a lead role in coordinating specific actions and this information will be shared with everyone involved in the anti- social behaviour report.

Greater Manchester Police may also investigate reports of anti-social behaviour across all tenures, particularly when there is an allegation that a crime has been committed. The Council will work in partnership with GMP to investigate and tackle anti-social behaviour in our communities.

## **7. Expectation of our tenants**

The Council expects our tenants to comply with the terms of their tenancy agreement and act responsibly, respect others and not to engage in anti-social or criminal behaviour. We consider that our tenants are responsible for their own behaviour, the behaviour of those people who live with them and the behaviour of people who visit their property. Informal and/or formal action may be taken against a tenant to address the behaviour of others who live with them or visit their property.

## **8. Support**

Victims and witnesses are at the centre of the action we take to investigate and resolve reports of anti-social behaviour. All Reporters will be provided with a named officer who will be responsible for investigating their report. Support to Reporters will be assessed individually to ensure that the support offered is tailored specifically to individual needs.

A harm centred approach is taken, which means that in addition to considering the type of anti- social behaviour we will consider the impact that anti-social behaviour is having on individuals, families and neighbourhoods to understand the harm that is being caused. We will do this by completing a risk assessment with Reporters. In some cases when a neighbourhood is experiencing anti- social behaviour, we may conduct a Community Impact Statement involving information from residents and partners.

Dependent upon the outcome of the risk assessment it may be agreed that further actions to help manage or reduce the risk of harm are appropriate. Type of actions may include a referral for one-to-one support, additional contact from the ASB Officer, asking if the police could carry out additional patrols or conduct reassurance

visits and or making a referral to another Council department or agency e.g., Adult Safeguarding, Manchester Drug and Alcohol Services, Mental Health Services.

Sometimes anti-social behaviour reports are made to the Council anonymously, usually because that person genuinely fears reprisals if they were identified as having made a complaint. We always prefer to communicate directly with people who are experiencing anti-social behaviour. This helps us to gain an understanding of the problems they are experiencing, allows us to assess the risk of harm and means that we can provide updates regarding the progress of their report and actions taken. A Reporter's identity will not be disclosed to the alleged perpetrator without seeking consent from them to do so and the Investigating Officer assessing that such a disclosure is necessary. In some cases, we do not need to provide the alleged perpetrator with the Reporter's identity at any stage within the case. In other cases, specifically if the Reporter has had direct contact with the alleged perpetrator, it may be obvious to the alleged perpetrator who has complained.

If an anonymous report of anti-social behaviour is received, we will attempt to investigate the report. This may involve checking our internal records for any previous reports, contacting residents who live in the immediate area to ask if they have experienced any problems and asking our partners, such as Greater Manchester Police, if they are aware of any relevant information. We are unlikely to make any contact with the alleged perpetrator if we cannot substantiate the anonymous report of anti-social behaviour.

## **9. Adverse Childhood Experiences (ACEs) and trauma informed practice**

The term ACEs (Adverse Childhood Experiences) is used to describe a wide range of stressful or traumatic experiences that children can be exposed to whilst growing up. ACEs range from experiences that directly harm a child (such as suffering physical, verbal, or sexual abuse, and physical or emotional neglect) to those that affect the environment in which a child grows up (including parental separation, domestic violence, mental illness, alcohol abuse, drug use or incarceration).

Current research and collected evidence clearly demonstrate the effects of cumulative and prolonged stress in a child's body and brain, profoundly altering the development of their brains, immune systems and resistance to disease, so much so that a child with exposure to multiple ACEs may have a 20-year shorter life expectancy and is much more susceptible to risk taking or criminalised behaviour. Even worse, they are very likely to pass these traits on to the next generation.

Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.

Trauma-informed organisations assume that people have had traumatic experiences, and as a result may find it difficult to feel safe within services and to develop trusting relationships with service providers. Consequently, services are structured, organised and delivered in ways that promote safety and trust and aim to prevent re-traumatisation. Thus, trauma-informed services can be distinguished from trauma-

specific services which are designed to treat the impact of trauma using specific therapies and other approaches.

We are working towards being a trauma informed organisation and use this approach in all our contacts with our service users to better understand their needs and deliver our services appropriately.

We recognise that some perpetrators of anti-social behaviour may have support needs. When we are made aware that a perpetrator has or may have a support need, we will explain our concerns and invite them to discuss their needs with us and seek their consent to make a referral(s) to an appropriate Council department or external organisation on their behalf if appropriate. If the perpetrator is already engaged with a support service, we will discuss with them sharing relevant information with the support service.

We reserve the right to make a referral to Adult Social Care, Children's Services, or the police, including a safeguarding referral, without the permission of the individual (s) concerned where the situation and provision of the Data Protection Act, General Data Protection Regulation (GDPR) and any other legislation justifies it.

When the alleged perpetrator of the anti-social behaviour is a young person, we will attempt to engage with their parents or guardians to offer appropriate family support. This may involve seeking consent to make a referral into the Council's Early Help services. The aim of Early Help is to ensure that effective intervention is offered as soon as possible to tackle problems emerging early for young people and their families.

If an alleged perpetrator of anti-social behaviour refuses to or stops engaging with an appropriate support service without a reasonable excuse or if they accept support but the anti-social behaviour continues, the Council will consider taking legal action. If the Council decides to apply for an Injunction or a Criminal Behaviour Order, we will consider applying for a positive requirement for the perpetrator to attend an assessment and/or engage with a specific Council department or external organisation to help address any underlying drivers of the ASB. We will challenge anti-social behaviour and support people to change their behaviour.

In some priority cases, when a decision is made to apply for urgent legal action, an invitation to the alleged perpetrator to discuss any support needs may take place after the legal application has been made.

If during the time the anti-social behaviour report is open to the Council, we are made aware that the alleged perpetrator's needs have changed we will consider this new information and offer to make any further appropriate referrals.

We will carefully consider and justify our actions, with a focus so as not to disadvantage those protected by the Equality Act 2010.

## **10. Unidentified Perpetrators**

The Council receives reports of anti-social behaviour involving people whose identity is unknown. The Council will accept these reports and officers will consider lines of enquiry in an attempt to identify the individual. This will require the Reporter providing as much detail as possible regarding the individual, the location of the ASB and any address/es the person may live at or visit. Officers will consider making enquiries with partner agencies including Greater Manchester Police. When reasonable attempts have been made to identify the individual but are unsuccessful the information will be recorded on ASB systems, and the case will be closed. The information will be available to officers to review if similar reports are received in the future.

## **11. Preventive Action**

Whenever possible the Council will take action to prevent anti-social behaviour from happening in the first place. Examples of how we may do this include, but are not limited to;

- Completing pre-tenancy checks and having a robust sign-up process with clear expectations of behaviour.
- Use Introductory Tenancies for all new social housing tenants – a probationary or trial tenancy before the tenancy becomes secure.
- Working with partners to identify areas of concern and planning coordinated targeted actions.
- Supporting the delivery of targeted youth provision.
- Considering any appropriate environmental improvements that may reduce the likelihood of anti-social behaviour taking place.
- Delivering training to partners and community groups regarding anti-social behaviour and community safety issues i.e., hate crime third party reporting centre training

## **12. Informal action**

The Council's aim is to intervene early to stop and prevent cases of anti-social behaviour escalating. The informal interventions that may be considered are;

*Mediation - an early intervention tool to support parties to resolve a conflict or dispute*

- Restorative Meetings – *a way to acknowledge and repair harm following an incident of anti- social behaviour or crime*
- Providing information and advice
- Investigatory interviews – *where an Investigating Officer assesses whether an incident of anti-social behaviour has taken place*
- Warning Interviews – *where an Investigating Officer, on the balance of probabilities, is satisfied that an anti-social behaviour incident has taken place and will therefore explain the consequences of continuing to act in an anti-social manner*
- Acceptable Behaviour Agreements / Contracts – *an agreement with an individual which sets out what they will or will not do in the future. The Investigating Officer may also include any actions they may take i.e., referral to a support service. This*

*type of agreement or contract will usually be used with a young person aged 10 – 17 years or a vulnerable adult.*

- Referrals to colleagues/ partners / support agencies

### **13. Legal Action**

The Council may consider taking legal action when anti-social behaviour continues following an attempt to resolve the ASB informally. In urgent cases involving the use or threat of violence towards person or property and or where there is serious risk of harm, we may not take any informal actions and instead take legal action in the first instance. Examples of remedies or legal actions that we may consider include;

- Injunction (including powers of arrest) – *An order that can be granted against an individual aged 10 or over. An Injunction is designed to stop or prevent individuals from acting anti socially, quickly nipping anti-social behaviour in the bud before it escalates.*
- Criminal Behaviour Order – *An order that can be granted against an individual aged 10 or over upon conviction of a criminal offence. These orders are to tackle those who persistently engage in criminal anti-social behaviour.*
- Community Protection Notices – *A Notice that aims to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.*
- Closure Order – *An order that can be granted to quickly close premises, restricting who can access a premises, which is being used, or likely to be used, to commit nuisance or disorder.*
- Breach Proceedings – *Action to enforce the above powers. Greater Manchester Police and the Crown Prosecution Service take the lead in enforcing a breach of a Criminal Behaviour Order.*
  - Noise Abatement Notice – *A Notice that requires an individual to abate a statutory noise nuisance (The Council's Licensing, Compliance and Out of Hours Team is responsible for noise investigations e.g., loud music).*
  - Any other legal action which could be taken with the support of for example Greater Manchester Police or the Crown Prosecution Service.

We will also consider introducing a Public Spaces Protection Order and an Expedited Public Spaces Protection Order when it is considered the most appropriate tool to address a place based anti-social behaviour issue. To inform a decision whether to introduce a PSPO officers will investigate the behaviours, consider use of informal and formal actions listed above, whether the penalties for breaching a PSPO are a suitable deterrent, if the legal criteria is met, the risk of displacement and potential equality impacts.

We also work with Greater Manchester Police to consider other potential solutions such as use of the Dispersal Power or Restraining Orders.

In our capacity as a landlord the Council may also take ASB possession proceedings. Prior to deciding to proceed with a claim for possession we will give our tenants a right to reply to the anti- social behaviour allegations. Our strategic approach as an authority is to work in partnership to prevent homelessness.

Therefore, considering possession proceedings is a very last resort and will only be considered if other remedies have failed.

The Council has no basis to seek possession of a property where we are not the landlord.

The use of informal and legal action will be decided by the Council having considered the circumstances of each individual case and will be proportionate to the type of anti-social behaviour and risk of harm.

Generally, the Council obtains agreement with Reporters about the particular actions to be followed. However occasionally there may be a situation where the Reporter asks that the Council takes no specific action on their report. If the situation is serious and others are at risk the Council may have to act. In such circumstances we will take appropriate measures to protect all those affected.

In some circumstances and if the situation is appropriate the Council may be unable to progress an anti-social behaviour case if a Reporter refuses early intervention actions. Ultimately, the Council will decide and take whatever action we consider to be most appropriate.

#### **14. Key legal and regulatory references**

1. Housing Act 1996
2. Protection from Harassment Act 1997
3. Crime and Disorder Act 1998
4. Human Rights Act 1998
5. Freedom of Information Act 2000
6. Criminal Justice Act 2003
7. Equality Act 2010
8. Regulator of Social Housing Regulatory Standards
9. Anti-Social Behaviour, Crime and Policing Act 2014
10. Anti-Social Behaviour Powers – Statutory Guidance for Frontline Professionals
11. General Data Protection Regulation 201
12. Data Protection Act 2018.

#### **15. The Antisocial Behaviour Case Review**

The Anti-social Behaviour Case Review gives victims and communities a legal right to request a review of their antisocial behaviour case when our local threshold is met. The purpose of the Anti-social Case Review is to bring agencies together to take a joined up, problem-solving approach to find a solution for the victim. Further detailed information regarding the ASB Case Review, including how to request a review can be found at

[https://www.manchester.gov.uk/info/200030/crime\\_antisocial\\_behaviour\\_and\\_nuisance/5654/asb\\_case\\_review](https://www.manchester.gov.uk/info/200030/crime_antisocial_behaviour_and_nuisance/5654/asb_case_review)

## 16. Publicity

Publicity is an essential part of tackling anti-social behaviour in terms of;

- Reassuring the community that the Council and partners work together and take reports of antisocial behaviour seriously
- Reassuring Reporters, witnesses and the wider community that successful action has been taken to tackle anti-social behaviour
- Publishing individual cases so that breaches of orders obtained can be reported to the relevant organisation
- Making it clear to alleged perpetrators that the Council will not tolerate anti-social behaviour and will take action to protect others.

In circumstances when a Court has not imposed reporting restrictions, and the Council considers it necessary and proportionate, a press release or other publicity material, such as an information leaflet, may be issued when the following orders have been granted or issued. The Council may also issue a press release if the Court finds that any breaches have been proven;

- Final Injunction Order
- Final Criminal Behaviour Order
- Closure Order
- Anti-Social Behaviour Possession Order
- Community Protection Notice
- Public Spaces Protection Order or Expedited Public Spaces Protection Order

The press release will be factual and may give the name, age and address of the individual against whom the order has been made or the breach occurred, the anti-social behaviour they have been involved in and the terms of any order or sentence. The detail provided will include any vulnerability considerations.

The decision to publicise will be considered carefully based on the facts of each case. The Council will consult with relevant partners such as Greater Manchester Police and the Directorate of Children and Families if an individual is engaged with services, including Youth Justice in respect of young people, to consider the following;

- Whether or not the court imposed any reporting restrictions
- The circumstances of the case
- The need for the public to be made aware of the order
- The need to publicise personal information
- The vulnerability of the individual
- Any likely consequences of publicising the order
- Where and how the order will be publicised.

The final decision to publicise an order will be made by the appropriate senior manager.

From time to time the Council may include anonymised case examples in reports to the Community Safety Partnership Board, Communities Scrutiny Committee, in other internal and external public documents and on the Council's website.

The Council may also engage in other media coverage as deemed to be appropriate.

## **17. Multi Agency Working**

Often anti-social behaviour cases require involvement from other Council departments and other agencies. We work closely with other enforcement agencies such as the police, registered providers, and other local authorities. It may be that these agencies have access to a more appropriate enforcement action.

We also work with support services including services within the Council's Children and Families Directorate including safeguarding and early help teams, youth justice, education, health (including mental health) and youth services. We recognise that both Reporters and alleged perpetrators may have support needs and we want to offer referrals to support services when appropriate. We may work with other partners such as the Greater Manchester Fire and Rescue Service (GMFRS), offender management services, the universities in Manchester and voluntary organisations when a specific issue arises e.g., an allegation of young people setting fires would involve us liaising with GMFRS.

We may discuss reports of anti-social behaviour at a multi-agency forum to ensure that a coordinated response is taken involving the relevant partners to resolve the anti-social behaviour problem. Types of forums in Manchester include;

- MAPS (Multi Agency Prevention & Support)
- Early Help triage and allocation meetings
- Community Safety Partnership meetings
- Multi Agency Risk Assessment Conference (MARAC)
- MAPPA (Multi Agency Public Protection Arrangements)
- Child protection conferences
- Ad-hoc meetings to discuss individual case

## **18. Information Sharing and Confidentiality**

We will treat all information received with the strictest of confidence. In the first instance the best interest and wishes of the Reporter will drive the actions we take. It is important to understand that in certain circumstances we may have a legal obligation to share relevant information with other statutory agencies e.g., if there is a serious safeguarding concern.

If we consider it important to access specific information from independent professionals in order to assess how we deal with a case we will ask the Reporter for their written consent to do so, unless there is an urgent overriding safeguarding concern involving a risk of harm to either the Reporter or another person.

Anti-Social Behaviour information is recorded on a secure case management system and case files are stored securely. Data is held in accordance with the Council's data retention and destruction schedule.

We have a duty to share information with relevant agencies as defined in the Crime and Disorder Act 1998. We will share information with accordance to the Data Protection Act 1998 and data sharing principles.

## **19. Training and Service Development**

The Council is committed to continually reviewing the service we provide so that we can identify and share practice and identify any service improvements. Ways in which we continue to develop include facilitating internal and external staff training, conducting regular case reviews between Investigating Officers and managers, along with group case supervision and consulting with the public when significant changes are made to the service. Our performance is monitored through a range of indicators including number and types of cases, customer response times and the types of informal and formal ASB actions. We have recently introduced a customer survey which we will undertake with ASB Reporters and continue to consult with residents before making any significant changes to Council services.

We report regularly to Community Safety Leads and the work of our ASB services is scrutinised by the Council's Communities and Equalities Scrutiny Committee and the Community Safety Partnership Board. Reports to our Communities Scrutiny Committee are available to the public to access at Manchester Town Hall and on the Council's website.

## **20. Availability of the Anti-Social Behaviour Policy and Procedure Statement**

A copy of this Anti-Social Behaviour Policy can be found on the Council's website [https://www.manchester.gov.uk/downloads/download/6743/antisocial\\_behaviour\\_policy\\_and\\_procedures](https://www.manchester.gov.uk/downloads/download/6743/antisocial_behaviour_policy_and_procedures)

Please contact the Anti-Social Behaviour Action Team if you require a translated copy of the Statement and Summary or a copy in an alternative format (i.e., Braille and large print).

## **21. Review of Policy and Procedure Statement**

This policy and procedure statement will be reviewed in line with the Community Safety Strategy and any changes in relevant legislation.

