

**Manchester City Council
Report for Resolution**

Report to: Communities and Equalities Scrutiny Committee - 20 July 2017
Executive – 26 July 2017

Subject: Anti-Social Behaviour Policy

Report of: Deputy Chief Executive (Growth & Neighbourhoods)

Summary

The draft Anti-Social Behaviour Policy and Procedure was the subject of a public consultation between 22 August and 16 September 2016. This report provides the outcome of the consultation and resulting policy. This report was presented to the Communities and Equalities Scrutiny Committee on 20 July 2017.

Recommendations

The Executive is requested to agree the attached Anti-Social Behaviour Policy and Procedure.

Wards Affected: All

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Tackling anti-social behaviour supports our communities and the individuals to be able to thrive.
A liveable and low carbon city: a destination of choice to live, visit, work	Tackling anti-social behaviour by individuals and businesses contributes positively to creating places where people want to live, work and socialise
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy –As part of the Public Sector Equality Duty an equality analysis relevance assessment has been undertaken. This has identified no relevance to equality as the policy applies equally to all citizens, businesses and visitors to the city. Each of the protected characteristics has been considered and there is no evidence available to indicate that the policy impacts disproportionately on those with a protected characteristic.
 - Risk Management – there are no specific implications contained within this report
 - Legal Considerations – there are no specific implications contained within this report
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- **Financial Consequences – Revenue**
None
 - **Financial Consequences – Capital**
None
-

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Background documents (available for public inspection):

None

1. Introduction

- 1.1 Manchester City Council has an obligation in its capacity as a landlord to have a policy and procedure for anti-social behaviour. It has been recognised that the Council needed to review and refresh its current policy, procedures and practices to take into account significant changes in ASB legislation.
- 1.2 In order to inform this policy and procedure, consultation with both the public and our partners was undertaken. This is detailed below.
- 1.3 The resulting proposed Policy and Procedures Summary and Statement are included in Appendix 1.

2. Consultation

- 2.1 Between 22 August 2016 and 6 October 2016, a public online survey was available on the Council's website. The survey included six key questions, regarding the Council's approach to tackling anti-social behaviour. The Anti-Social Behaviour Action Team (ASBAT) team promoted the consultation survey with customers and partners who had contact with the service during this period. During this time ASBAT officers attended a Selective Licensing consultation event to encourage residents to participate in the survey and listen to their views. The survey was also shared with other colleagues within the Council to promote through their community networks. Forty nine surveys were completed, with the consultation responses detailed in Appendix 2.
- 2.2 During this period consultation also took place with colleagues working in community safety and homelessness, the Community Safety Partnership Board and the Manchester Housing Providers Partnership (MHPP) for the purpose of feedback and comments.
- 2.3 Legal advice was also sought and has been incorporated to ensure that the policy is compliant with our duties as a landlord and supports the Council in the delivery of ASB services.
- 2.4 The feedback from the public supported the approach to the types of ASB cases the Council should and should not investigate, along with the types of cases that should be prioritised, the informal powers that should be used and the partners we should be working with for additional support in anti-social behaviour cases.
- 2.5 With regards to publicity, there was a difference in the public view concerning publicising adults and young people successful ASB outcomes. 85% of respondents agreed that it was appropriate to publicise adult case outcomes with 65% agreeing that it was appropriate to publicise young people case outcomes. One respondent commented, "Publicity should be used in appropriate cases with clear policy guidelines. Should be proportionate and individual's circumstances should be considered, especially for young people." Another respondent was keen to see more publicity regarding ASB perpetrated by young people on the tram network.

- 2.6 Responding to this feedback the final draft of the Policy and Procedures provides clear guidance regarding the factors that should be considered when deciding whether to publicise a case outcome. For young people, Investigating Officers are required to consult with GMP and the Directorate of Children and Families if the young person is engaged with these services. Youth Justice will be consulted in relation to young people. The final decision to publicise a case will be made by a senior manager.
- 2.7 The final draft of the Policy and Procedures also includes guidance to officers regarding appropriate assessment tools to be utilised upon receipt of a disclosure of domestic abuse.

Appendix 1

Manchester City Council

Anti-Social Behaviour Policy and Procedures

Status	DRAFT For Executive	July 2017
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Manchester City Council's Anti-Social Behaviour Policy and Procedures 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.

1.0 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 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 perpetrator of ASB is a tenant of another social landlord or lives in a property managed by an Arm's Length Management Organisation (ALMO) e.g. Northwards, the report of ASB should be made to the relevant social landlord or ALMO.

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

1.2 Making a report of ASB to the Council

Reports of anti-social behaviour to the Council can be made in any of the following ways;

By telephone, On Line, In Writing

Details of how to do this can be found at:

http://www.manchester.gov.uk/info/200030/crime_anti-social_behaviour_and_nuisance

Reports of ASB can be made by a third party, for example by a Local Councillor, Member of Parliament, or social worker. If a report is made via a third party we will seek the consent of the reporter to communicate and share information with the third party.

We do not accept reports of ASB by Social Media, e.g. Twitter.

1.3 What types of reports will be investigated?

Anti-social behaviour can mean different things to different people and may or may not include criminal activity. Types of behaviour that the Council considers 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

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

- Actions that are considered to be normal everyday activities or household noise
- Children playing ball games, unless the children are also engaged in associated ASB
- Reports related to people staring 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
- Environmental or other Housing issues such as noise nuisance, fly tipping, overcrowding and disrepair. Other Council departments are responsible for investigating these types of problems and reports can be made via the Council's website www.manchester.gov.uk

The lists above are not exhaustive. Officers of the Council will exercise judgement in order to establish an appropriate response.

1.4 Anonymous Reports

The council always prefer to have direct contact with the person experiencing the ASB ("the reporter") 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 reporter within 1 working

day. For all other reports of ASB an officer will aim to contact the reporter within 5 working days.

2.0 REFERRALS TO OTHER AGENCIES

Investigating Officers will make referrals to other Council departments or agencies as appropriate in the course of their investigation. Any referrals made will involve the Investigating Officer seeking consent from the individual concerned, unless there is an overriding safeguarding concern in relation to a vulnerable adult or child.

3.0 ANTI-SOCIAL BEHAVIOUR INVESTIGATION

3.1 Interviewing the reporter

When a report of ASB is made, the Investigating Officer will interview the reporter 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 of anti-social behaviour and report any further incidents to the Investigating Officer. The officer will attempt to complete an ASB Vulnerability Risk Assessment with all reporters (not acting within their professional capacity e.g. police officer) to assess the reporter's vulnerability to the ASB they are experiencing.

3.2 Wider Investigations

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

3.3 Interviewing the alleged perpetrator

During most investigations (except where a without notice injunction is being considered) contact will be made with the alleged perpetrator. The alleged perpetrator will be given a fair opportunity to respond to the anti-social behaviour allegations. The Investigating Officer will explain the consequences of perpetrating anti-social behaviour and summarise the next steps in the investigation.

3.4 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.

4.0 ANTI-SOCIAL BEHAVIOUR ACTIONS

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

4.2 Insufficient Evidence

During the course of an investigation there may be a number of 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.

4.3 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 priority cases, such as when there has been a use or threat of violence, legal action may be the first course of action.

4.4 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

4.5 Legal actions

Investigating Officers may consider applying for legal action such as;

- Injunction (including powers of arrest)
- Criminal Behaviour Order

- Community Protection Notices
- Closure Order
- Breach Proceedings
- ASB Possession Proceedings (within our landlord capacity only)

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

4.6 Justification

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

4.7 Manager Review

If the Investigating Officer considers it appropriate to proceed with legal action the case will be reviewed by the ASB Team Manager or the Community Safety Lead 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.

5.0 ANTI-SOCIAL BEHAVIOUR CASE CLOSURE

5.1 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.

6.0 REPORTER SATISFACTION SURVEYS

The Service will endeavour to complete a short survey with every reporter or witness (not acting in a professional capacity e.g. police officer) to check 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.

7.0 COMMENTS AND COMPLAINTS

If anyone is dissatisfied with the anti-social behaviour service they have received they may make a complaint to the Council, which will be fully investigated.

http://www.manchester.gov.uk/info/200025/reports_comments_and_questions

8.0 REVIEW PERIOD

This policy and procedures statement will be reviewed periodically or in line with changes in relevant legislation.

Manchester City Council Anti-Social Behaviour Policy and Procedures Statement

1.0 Strategic Overview

The Manchester Strategy sets the vision for Manchester over the next ten years. 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 is to become more proactive, pre-emptive and creative focusing on a person's or community's strengths and opportunities.

The first thematic priority of Manchester's Community Safety Strategy is to tackle anti-social behaviour (ASB) through a triple track approach of early intervention and prevention, non-negotiable support and strong 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 anti-social behaviour. 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. Reducing the demand that reoffending, anti-social behaviour, domestic violence and abuse perpetrators place on services 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 Procedures Statement. This document fulfils this legal requirement specifically relevant to non-secure tenants living in the Council's temporary accommodation schemes and dispersed properties across the city.

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, an Arm's Length Management Organisation (ALMO) 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 focus of our casework will be as much about supporting the complainant or witness of ASB as work around the alleged perpetrator.

The key issues that officers will consider throughout ASB casework processes will include resolving issues at the earliest opportunity, protecting individuals and communities, stopping and changing the offending behaviour where possible and keeping an emphasis on the complainant 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.

2.0 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

For 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

For 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.

2.1 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.

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

When domestic abuse is reported to us we will complete a Domestic Abuse Stalking and Harassment (DASH) Risk Assessment and if appropriate, with the consent of the victim, will make a referral into the Multi Agency Risk Assessment Conference (MARAC) and subsequently attend the MARAC to present the case. If the victim does not consent to the MARAC form being completed but the ASB Investigating Officer is concerned that there is a serious risk of harm to the victim the form will be completed by the Investigating Officer and referred into the next MARAC meeting. It will be noted on the referral form that the victim's consent was sought but not obtained. MARACs are held on a monthly basis with the aim of reducing the risk of death or serious injury to high risk victims of domestic abuse. This is done by identifying those most at risk and trying to keep them safe by sharing information and putting action plans in place to reduce and manage the identified risks.

When the threshold for a referral to the MARAC is not met Investigating Officers will encourage domestic abuse victims to speak to specialist domestic abuse services and will safely provide information on how to access these services. Investigating Officers will determine if there are potentially any child safeguarding risks to children and make appropriate referrals to the Directorate of Children and Families.

Investigating Officers will be mindful of the need to ensure that domestic abuse victims are supported in accessing remedies specifically designed to deal with domestic abuse (for example non-molestation orders, Domestic Violence Protection Notices / Orders).

The use of measures designed to tackle ASB will normally be used only when Greater Manchester Police have been consulted and there is no other option available in order to provide protection and prevent the impact on the wider community.

This list of types of anti-social behaviour the Council will investigate 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 in order 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.

2.2 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 Anti-Social Behaviour Action Team 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.
- Environmental issues such as noise nuisance, fly tipping, overcrowding and disrepair. Other Council departments are responsible for investigating these types of issues.
- Parking with no other associated anti-social behaviour.

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 complainant at the earliest opportunity, advising them that no ASB action will be taken. The officer will provide advice and sign posting information if appropriate.

3.0 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 complainant and consideration of applying for an Injunction without giving prior notice to the perpetrator.

All other reports of anti-social behaviour will involve a standard response time 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 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.

4.0 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 home owners, 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.

There will be times when reports of anti-social behaviour will need to involve other Local Authority areas or social housing providers because either the complainant 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.

5.0 Expectation of our tenants

The Council expects our tenants to 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.

6.0 Victim / witness support

Victims and witnesses (Reporters) 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 with each Reporter that engages with us 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 an ASB Vulnerability Risk Assessment with complainants (not acting in their professional capacity i.e. police officer). 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 ASB vulnerability risk assessment it may be agreed that further actions to help manage or reduce the risk of harm is appropriate. Type of actions may include a referral to a victim support service, additional contact from the ASB Officer, asking if the police could carry out additional patrols or conduct reassurance visits, 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 complainant's identity will not be disclosed to the alleged perpetrator without seeking consent from the complainant to do so. In some cases we do not need to provide the alleged perpetrator with the complainant's identity at any stage within the case. In other cases, specifically if the complainant 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.

7.0 Support for vulnerable perpetrators

We recognise that some perpetrators may have support needs. When we are made aware by the perpetrator or by any information made available to us that a person has or may have a support need we will explain our concerns and invite the perpetrator 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 the perpetrator sharing relevant information with the support service.

We reserve the right to make a referral to the Directorate of Children and Families, 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 and any other legislation justifies it.

When the 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 develop a consistent approach amongst multi agency professionals working with children and young people to ensure that effective intervention is offered as soon as possible to tackle problems emerging early for young people and their families.

If a 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.

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

If during the time the ASB report is open to our service we are made aware that the perpetrators 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.

8.0 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, housing people appropriately and having a robust sign up process with clear expectations of behaviour
- Working with partners to identify areas of concern and planning coordinated targeted actions
- Supporting the delivery of targeted youth provision
- Considering any 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

9.0 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

10.0 Legal Action

The Council may consider taking legal action when anti-social behaviour continues following an attempt to resolve the ASB informally. In priority 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 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.*
- Any other legal action which could be taken with the support of Greater Manchester Police / Crown Prosecution Service i.e. Restraining Order

We will also consider Public Space Protection Orders when it is considered the most appropriate tool to address a place based anti-social behaviour issue and 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.

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 we would wish to obtain agreement with complainants about the particular actions to be followed. There may be occasions where the complainant would wish that the Council takes no specific action on their report. The situation may however be serious enough that we feel we have little option to pursue against their wishes. 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 complainant refuses early intervention actions. The Council will decide and take whatever action we consider to be most appropriate.

11.0 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 anti-social behaviour seriously
- Reassuring complainants, 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 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 to be 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 a Notice has been served. The Council may also issue a press release if the Court finds that any of these orders / Notice has been breached;

- Final Injunction Order
- Final Criminal Behaviour Order
- Closure Order
- Anti-Social Behaviour Possession Order
- Community Protection Notice

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 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 Community Safety Lead.

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 public documents and on the Council's website.

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

12.0 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 complainants and 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;

- ASB vulnerability meetings
- Early Help triage and allocation meetings
- Community safety partnership meetings
- Multi Agency Risk Assessment Conference (MARAC)
- MAPP (Multi Agency Public Protection Arrangements)
- Child protection conferences
- Ad-hoc meetings to discuss individual cases

13.0 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 complainant 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 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.

14.0 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 complainants and consult with residents before making any significant changes to Council services.

We report quarterly to our Community Safety Lead and provide reports to our Communities Scrutiny Committee and 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.

15.0 Availability of the Anti-Social Behaviour Policy and Procedures Statement

A copy of this Anti-Social Behaviour Policy can be found on the Council's website **insert web address**

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).

16.0 Review of Policy and Procedures Statement

This policy and procedures statement will be reviewed periodically or in line with changes in relevant legislation.

Appendix 2

Public Consultation Survey Findings

1. Do you agree or disagree that the Council should investigate the following as types of anti-social behaviour?

	Agreed	Disagreed	
Hate Crimes / Hate incidents	84%	16%	
Use of threatened use of violence	84%	16%	
Repeated abusive language/behaviour	90%	8%	2% Not responded
Harassment	90%	10%	
Damage to Property	90%	10%	
Domestic violence/abuse	80%	20%	
Other	30%	18%	52% not responded

2. Do you agree or disagree that the Council should not investigate the following as types of anti-social behaviour?

Everyday activities or household noise	Agreed	59%	Disagreed	41%
Children playing ball games, with no associated ASB	Agreed	53%	Disagreed	47%
People staring	Agreed	69%	Disagreed	31%
People being unpleasant to one another without significant harm	Agreed	61%	Disagreed	39%
Illegal drug use, production or supply with no associated ASB	Agreed	51%	Disagreed	49%
Other	No other suggestions were made			

3. Do you agree or disagree that the following types of behaviour should be prioritised?

	Agreed	Disagreed
Use or threatened use of violence	94%	6%
Behaviour that causes a significant risk of harm to individuals, families or neighbourhoods e.g. hate crimes/incidents	96%	4%
Other	No other comments / suggestions	

4. Do you agree or disagree that the following services or organisations should be considered for providing additional support in cases of anti-social behaviour?

Services / Organisations	Agreed	Disagreed	Not responded
Victim Support Services	88%	12%	
Greater Manchester Fire and Rescue Service	61%	39%	
Greater Manchester Police	96%	4%	
Youth Justice formerly YOS	91%	4%	5%
Youth diversionary Services i.e. youth clubs	85%	10%	5%
Schools	83%	12%	5%
Manchester Universities	57%	36%	7%
Probation Services	89%	8%	3%
Adult Services	85%	6%	9%
Children Services	91%	4%	5%
Drug and Alcohol Services	87%	8%	5%
Mental Health Services	96%	2%	2%
Multi Agency Domestic Abuse Conferences	85%	8%	7%
Registered Housing Providers	83%	12%	5%
Other	20%	12%	68%

5. In the majority of anti-social behaviour cases we will aim to resolve reports informally. Do you agree or disagree that the following informal interventions should be used to resolve anti-social behaviour problems?

	Agreed	Disagreed	Not responded
Mediation	90%	8%	2%
Restorative Justice / meetings	85%	12%	3%
By providing information and advice	85%	12%	3%
Investigatory Interviews	89%	8%	3%
Warning Interviews	91%	6%	3%
Acceptance behaviour contracts	91%	6%	3%
Referrals to colleagues/partners/support agencies	93%	4%	3%

6. The Council will consider publicity in cases when a final court order has been granted. Do you agree or disagree with the Council's approach to publicise successful anti-social behaviour outcomes?

Cases involving Adults 18yrs +

Agreed	Disagreed	Not responded
85%	12%	3%

Cases involving Young People 10yrs – 17yrs

Agreed	Disagreed	Not responded
65%	32%	3%

Additional comments;

"I strongly believe that the police should still be the first port of call for anti-social behaviour incidents due to possibility of violence. The council could provide follow-up services. Tackling noise nuisance is already an area that has failed by the council taking over due to the service not being available 24/7."

"Stalking should be considered ASB and all the procedures that apply to other forms of ASB should be considered for stalking cases prior to them becoming a criminal offence."

"Specific news about any investigations/arrests/charges against young people who damage or are abusive on the tram network. Many of see incidents regularly. There is CCTV on trams and stops and yet we hear nothing. This is probably more TfGM/Travel Safe but there is growing frustration about children being allowed (seemingly) to get away with anti-social behaviour."

"After years of living next door to very loud neighbours again I think they get more support; when I enquired what would happen to me if I was unable to go to work and

therefore unable to pay rent/bills I was told I would be taken to court!! But because now the 'adults' in the home are quiet there is nothing they can do. I think neighbours can be one of the biggest causes of anti-social behaviour.”

“Unable to add in earlier question - misogyny should be included in hate crimes. Sexual touching or language aimed at a woman or groups of women.”

“Photographs did not help in many ASB situations as some especially the young people thought it smart when they saw their photographs around the area This was proved when Northwards Housing and City Council displayed the ASBO orders on notice boards at council offices and when they were delivered through letterboxes. Some of those situations did not work. It also takes your own rights from you.”

“I would like to see more information in the papers and news about Manchester anti-social behaviour being dealt with.”

“Make it as efficient as possible so as not to put people off reporting.”

“I would go for the prevention of ASB and look at resolutions before eviction takes place. Tenancy Training which is done in various hostels and agencies could be a last resort/solution to addressing and understanding ASB and the consequences of this. People with mental health problems leading to ASB need to be looked at in a different way using the services available for a more speedy outcome.”

“If youth diversionary agencies are used will they be funded adequately? Is it not possible to reintroduce wardens, park keepers etc as we no longer have the same number of police on the streets? The council should consider not allowing as many license s for shops to sell alcohol in an area. Car parking on pavements should be part of the policy. Anti-social behaviour and environmental officer should operate outside of office hours, i.e. evenings and weekends not just in the city centre.”

“Some years ago Northwards Housing with the help of the Neighbourhood Wardens was taken away from our communities and worked well together with our local PCSOs' and our Tenants and Residents Groups, with Cut Backs we have lost this important link and our areas are increasing in population. Reducing the police force changing shift patterns with PCSO and police young people and the general public are not receiving the support they require, so ASB will increase Smaller Black bins will encourage more fly tipping locally. I can sensibly recycle but we still need to educate many of our Tenants and Residents.”

“Serious problems should be a police lead and take action. When abs problem swift and serious action should be taken early. We need stronger laws and deterrents.”

“Publicity should be used in appropriate cases with clear policy guidelines. Should be proportionate and individual's circumstances should be considered, especially for young people.”

“No further comments. I had a good experience with the Department.”

“Every Individual has the right to live peacefully. The parents should have the responsibility towards a vulnerable child’s anti-social behaviour”

“It should be a tool to safeguard the public and their peaceful life and public properties. Police should act and need more power to control the youths.”

“Existing procedure is slow.”