Anti-social behaviour
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Hammersmith & Fulham Council is committed to creating an environment where race and hate crime and anti-social behaviour is not tolerated and where residents are allowed to live free from violence, disturbance and nuisance.

The Council are committed to ensuring that complaints of anti-social behaviour are taken seriously and dealt with swiftly and effectively. When residents come forward to give evidence that is used in action to abate anti-social behaviour, we will ensure that they are supported through this process.

The Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 (Section 12) requires local housing organisations to prepare and publish:

- Policy and procedures on anti-social behaviour
- Summary of current policy and procedures on anti-social behaviour. This document is issued in compliance with this legislative requirement. A separate policy exists for reporting domestic violence.

What is anti-social behaviour and race and hate crime?

Anti-social behaviour is unwelcome and/or illegal acts committed by individuals and/or groups that causes distress and disturbance to any resident or community.

The Council adopt Macpherson’s definition of racial harassment ‘an incident which is perceived to be racist by the victim or any other person’.

Examples of anti-social behaviour (which may be motivated by race, sexuality, disability, religion, gender or age) include, but are not limited to:

- Racial harassment
- Stalking or unwanted attention
- Actual violence

- Aggressive and threatening behaviour
- Intimidation and/or harassment by others
- Verbal abuse (intentional or unintentional)
- Damage to property
- Inconsiderate disposal of household rubbish
- Absence of garden maintenance e.g. overgrown, unsightly gardens and garden fires
- Inconsiderate parking of vehicles and abandoned vehicles
- Noise nuisance
- Nuisance caused by drug dealing
- Hoarding or dumping materials/rubbish within the home or its vicinities or in communal areas
- Nuisance caused by pets
- Fouling of public areas
- Using accommodation to sell drugs or for other unlawful purposes

The policy and procedures give clear guidance on how to deal with hate crime and anti-social behaviour. Action in dealing with anti-social behaviour will be monitored by senior staff including delivery of the strategic objectives and achievement of targets. Performance will also be measured by the Council’s scrutiny panel, by Councillors and residents at area forums which are attended by resident representatives.
Statement of policy & procedures

The overall aim of the Council’s strategy is to effectively manage anti-social behaviour, reduce the number of incidents of anti-social behaviour and provide support to residents and communities experiencing anti-social behaviour. To achieve this we have set ourselves the following objectives.

- Tackle anti-social behaviour promptly and effectively
- Work with residents to continually improve our anti-social behaviour service
- Provide support to individual complainants and communities facing anti-social behaviour
- Work with partners to ensure a coordinated approach to tackling anti-social behaviour

Through satisfaction surveys and area forums and ASB specific focus groups we will continue to improve our service to residents. Target times have been set for responding to residents when they make reports of anti-social behaviour and the policy also states we will keep in contact with residents on at least a monthly basis.

Our policy aims to address ASB no matter what type of accommodation residents live in. Where there is evidence action will be taken against or on behalf of any resident of Hammersmith & Fulham. Although the housing department will only deal with complaints by or about their tenants and leaseholders and those that affect them, the ASB unit within the Council will deal with reports between owner occupiers, housing association tenants and private tenants.

Who we can take action against

- Tenants and leaseholders
- Owner occupiers
- Private tenants
- Tenants of other Registered Social Landlords and Housing Associations
- Any individual causing distress and/or disturbance to residents of the borough.

Types of remedies/legal action that can be taken by the Council

- Issue a warning letter regarding the anti-social behaviour.
- Sign Acceptable Behaviour Agreements (ABAs) with perpetrators of anti-social behaviour.
- Sign Parental Control Agreements (PCAs) and monitor a parent/carer of a child under the age of ten years to ensure that behaviour of the child is not continuing to cause distress and/or disturbance to others.
- Make applications to court for an Anti-Social Behaviour Order (ASBO). Any breach of this type of order is a criminal offence and can result in a prison sentence of up to 5 years or fine or both. ASBOs can be obtained in the Magistrates’ Court or in the County Court if associated with another action such as possession proceedings. They can be made against anyone who is 10 years old or above. Orders remain in force for two years or longer in certain circumstances.
- Serve a Notice of Seeking Possession or Forfeiture of Lease Notice on Housing Services tenants or leaseholders for those who continue to breach their tenancy/leasehold agreement and/or commit a criminal offence.
- Seek possession, through the court, of the homes of those who cause levels of distress and disturbance to others that is totally unacceptable. This will include continuous and persistent anti-social behaviour in the locality. The Council has this power under the Housing Act 1985 and Housing Act 1988. A social landlord can apply to the County Court for an order for possession which could lead to eviction under the powers contained in the Housing Act 1985 and the Housing Act 1988 where nuisance or anti-social behaviour is affecting the locality.
- Apply to the court for an injunction that will exclude individuals from their homes, or from...
visiting the homes of others, or from an area, to ensure that their behaviour stops. An injunction is a civil remedy which is obtained through the County Court or Magistrates Court and either compels a person to do something or forbids a person from doing something. The breach of an injunction is not, in itself, a criminal offence but it is contempt of court and could lead to a fine or imprisonment. Injunctions under s.222 of the Local Government Act 1972 remain available but the Housing Act 1996 increases the powers available to local authorities, particularly in the case of nuisance or anti-social behaviour. The Housing Act 1996 also allows for the power of arrest in relation to a breach or an anticipated breach of the terms of the tenancy agreement. The use of injunctions is further extended under the Anti-social Behaviour Act 2003.

- **Anti-Social Behaviour Act 2003**: This important piece of legislation strengthens the powers of landlords to deal with anti-social behaviour in the following ways: A power of arrest can be attached to an injunction obtained through the Local Government Act 1972 if there is a threat of violence or use of violence or there is significant risk of harm.

- **Proceedings for possession**: The Act now allows courts to take the following issues into account when they are considering gaining possession orders:
  - The effect on those in the locality if the nuisance is repeated.
  - The effect of the nuisance on those in the locality.
  - The continuing effect of the nuisance.

- **Anti-Social Behaviour Injunctions (ASBIs)**: The legislation now gives housing associations and local authorities the power to injunct anyone who is causing a nuisance which affects the housing management function of the local authority. It also gives protection to those engaged in lawful activity on the estate or members of the landlord staff carrying out their duties.

- **Police & Justice Act 2006**: Amendments to anti-social behaviour injunctions have been introduced by Sections 26, 27 and Schedule 10 of the Police and Justice Act 2006 which came into force on 6 April 2007. ASBIs enable social landlords to apply for injunctions to prohibit anti-social behaviour that affect the management of their housing stock. In particular, the s26 amendment means that members of the community for whom an ASBI is designed to protect, need not always be named on the face of the order. Section 26 is intended to confirm that injunctions should be available to protect the wider community including those who do not wish to be identified. Section 27 and Schedule 10 strengthen the powers available in relation to injunctions that are available to local authorities under section 222 (Local Government Act 1972).

- **Police Reform Act 2002**: It is now possible for Interim ASBOs to be granted, for a fixed period of time, to prevent further anti-social behaviour pending the full ASBO being obtained.

- **Demoted Tenancies**: Registered Social Landlords and Local Authorities can apply to the County Court for a demotion order. If a secure tenancy is demoted then, for a period of one year, the tenant has some rights reduced and repossession during the year becomes easier.

Please note that each case reported is different and for this reason legal action in some cases may not be an appropriate solution.

**Other legal measures to address anti-social behaviour include:**

- **Housing Act 1996 Exclusion from the Waiting List**: This legislation allows local authorities the power to exclude certain categories of people from the housing waiting list, for example, those with a record of serious anti-social behaviour.

- **Protection from Harassment Act 1997**: This legislation provides a power of arrest and the
possibility of a restraining order being obtained in the Magistrates’ Court which could carry a penalty of up to five years imprisonment. The intention is to prevent a perpetrator from entering an area and/or harassing others.

- **Civil Evidence Act 1995**: In civil proceedings, either in the County Court or the Magistrates’ Court, hearsay evidence is admissible. This allows evidence to be given where a witness is too frightened to attend court personally.

- **Confiscation of Alcohol (Young Person Act 1997)**: A police officer can require that intoxicating liquor be handed over by certain people in certain circumstances in certain places.

- **Sex Offenders Act 1997**: The legislation requires the police to maintain a register of sex offenders who fall within the remit of the legislation. A risk assessment is carried out by a variety of agencies on people who are registered and pose a risk to the community. The Council has a representative who attends the risk management panels that take place monthly.

- **Environmental Protection Act 1990**: Imposes a legal obligation on local authorities to investigate complaints of statutory nuisance, which includes noise nuisance. Extreme noise can lead to equipment being seized and prosecution can lead to a fine. Legal action can be taken in the Magistrates’ Court. The Anti Social Behaviour Unit within the Council liaise very closely with Environmental Protection Services in cases where it is appropriate to use this legislation to abate noise nuisance.

- **The Clean Neighbourhoods and Environment Act 2005**: This Act has given a number of powers to local authorities covering a wide range of issues, such as Gating Orders, nuisance parking and abandoned vehicles, litter, fly-tipping and graffiti. The Act also covers noise from premises animal nuisance and introduced fixed penalty notices for noise from licensed premises, abandoned vehicles and others.

- **Criminal Justice Act 2003**: The Act imposes a duty on housing authorities to cooperate with the Police, Probation and the Prison Service in establishing arrangements to assess and manage the risks posed by sexual and violent offenders and other offenders who may cause serious harm to the public. Complaints of this nature are referred to the Local Authorities Multi-Agency Public Protection Panel.

- **Crime and Disorder Act 1998**: In addition to introducing anti-social behaviour orders, this legislation brought in certain powers that may be taken to prevent children becoming involved in criminal or anti-social behaviour. In summary, those powers are:
  - **Child safety orders**: This enables a child to be placed under the supervision of a responsible officer (usually a social worker or member of the Youth Offending Team) for, normally, three months.
  - **Parenting orders**: This may be imposed by the court at the same time as an ASBO is granted and require parents or guardians of children between 10 and 17 years of age to attend counselling or guidance sessions.
  - **Local child curfews [as amended by the Anti-social Behaviour Act 2003]**: These are designed for the police to deal with unsupervised children on the streets at night.
  - **Power to remove truants**: This enables a police officer to take a child believed to be truanting back to school.
  - **Reparation orders**: This requires young offenders to make amends to their victim or the wider community.
Prevention of anti-social behaviour

The Council is committed to preventing and deterring anti-social behaviour. There are a range of measures:

Mediation Service

The CALM Mediation Service is an independent organisation that offers mediation in order to try to resolve disputes between neighbours. We will, with your consent, refer all appropriate cases to them to see if they can assist you to resolve the issue. The types of situation they can assist you with are noise, boundaries, youth nuisance, parking, pets, rubbish, shared space and lifestyle differences. In an appropriate case we will pass your details onto the CALM Mediation Service for them to discuss the benefits of mediation with you and assist you in resolving your dispute.

Diversionary projects for youths

The Council organise diversionary projects for youths. Working with agencies such as the Youth Offending Service, the Youth service and The Family Coaching Service to engage young people and their families in diversionary activity and prevention programmes is integral to success in this area.

Role of neighbourhood wardens

The aim of the estate warden service is to reduce the fear of crime, reduce crime, tackle anti-social behaviour, improve the local environment and build stronger communities. The wardens patrol estates and areas that are not part of an estate such as King Street in response to calls regarding anti-social behaviour.

Role of the concierge service

Where the concierge service operates it provides a daily face-to-face interaction with local residents. They have a role in reporting incidents of racial harassment and anti-social. Incidents that are witnessed by the concierge can be used as evidence in support of legal action to prevent anti-social behaviour.

Role of the professional witness

The Council employs professional witness within officers the ASB Unit. Their role is to witness acts of anti-social behaviour. The evidence gathered is used to assist us in pursuing legal action against perpetrators. The professional witness also assists us in identifying unknown perpetrators, which is vital in implementing enforcement measures. They provide support to victims of anti-social behaviour and other witnesses assisting with legal action.

Working in partnership

The Council work closely with a number of agencies to address issues of racial harassment and anti-social behaviour. This may include: sharing information to identify perpetrators; sharing information to enable legal or non-legal remedies to be used to resolve issues, or jointly supporting victims of harassment. The Council Homes are signatories of the Hammersmith & Fulham Community Safety Partnership’s Information Sharing Protocol. We also work in partnership to prevent racial harassment and anti-social behaviour through a range of community initiatives and youth work. Agencies that we work with include the Police, Social Services, Probation, Youth Services, Youth Offending Services. Community and voluntary organisations that can advise and support you as well as act as advocates on your behalf.

The ASB coordinators and area housing teams hold the six-weekly multi-agency meetings, which are attended by various partners as mentioned above. These meetings are used to discuss and come to a joint resolution as to how to deal with persistent and high level cases of anti-social behaviour or address issues of anti-social behaviour in the neighbourhood.
Support for perpetrators

The Council will balance the need for strong action with the need to rehabilitate perpetrators. This is particularly relevant when considering issues of ASB that are the direct or indirect consequence of:

- Drug abuse
- Alcohol abuse
- Mental health problems

We shall work closely and make referrals where necessary to partner agencies, such as the Drug and Alcohol Teams and Community Mental Health Teams to provide support for perpetrators to overcome their problems without having to resort to enforcement action if possible.

All residents, all accommodation

Anti-social behaviour reported from all residents residing within the borough will be dealt with on a case-by-case basis. The Council and are committed to ensuring that all residents in the borough, irrespective of their type of accommodation, are able to live free from intimidation.

In cases where there is no involvement from a tenant or leaseholder then the ASBU will deal with the case. The ASB Coordinators will contact any other Registered Social Landlords (RSLs) or Housing Associations involved with the case and work on behalf of the complainant in trying to resolve the issue.

Data protection and information exchange

The Council are signatories to the Hammersmith & Fulham Information Sharing Protocol. Further, all officers are and continue to be trained on how and what information can be shared. Specific training is provided on the Data Protection Act.

Training programme

Tenancy management officers and ASB coordinators are trained on the policy & procedures and on any legal/statutory changes. Joint training is also undertaken with partner agencies on relevant areas, such as information sharing.

Officers also receive general training regarding anti-social behaviour and racial harassment, with updates on new best practice and on any reviews and revisions to the policy & procedures.

What can you do?

- Report incidents of anti-social behaviour to your area office or ASB Coordinator and if necessary the Police. When reporting incidents to the police ask for a reference number, the name of the person that you spoke to and pass this information to your area office.
- Keep a written record of all incidents, when the incident occurred, what happened and who was there.
- Tell us the names and addresses, if known, of those who are behaving in an anti-social manner.
- If you do not know the individuals, take note of what they look like and what they wear. Details such as these often assist us and the Police in identifying individuals.
- Tell us what you want us to do. We will act with your written consent and you can remain anonymous to the alleged perpetrator if you so choose. However, in some cases, remaining anonymous is not possible. You can discuss this with the Tenancy Management Officer or ASB Coordinator at the first interview.
- If you are witnessing actions of anti-social behaviour or racial harassment directed at other residents, it would assist us in helping them if you could pass the details to us.
What will we do?

The Council will respond to reports of racial harassment and anti-social behaviour swiftly and efficiently. The action we take will depend on the seriousness of the complaint. Any action will be agreed between the officer and the complainant. Severe action will be taken against perpetrators where justified. The Council will use the range of legal and other remedies available to them to abate anti-social behaviour. The action that we will take will depend on the types of issues that are reported, whether they have been witnessed by others, the powers we have to address those issues and the type of action that you consent for us to take. Advice and assistance will be given about what we can do to support you and help you resolve your issues.

Where you report acts of actual or threatened violence or a racially motivated incident or other hate crime we will:

- Offer you an appointment for a first interview within two working days of the initial complaint.
- Commence initial investigation within three working days of receiving your written consent.
- Inform you of what we have found out and the action we have taken within 10 working days of receiving consent.

Where you report behaviour that is intended to intimidate, frighten or harm and prevents you from the peaceful and quiet enjoyment of your home or your community we will:

- Offer an appointment for an interview with you within three working days of your initial complaint.
- Commence initial investigation within four working days of receipt of consent.
- Inform you of what we have found out and the action we have taken within 10 working days of receiving consent.

Where you report behaviour that is considered as a breach of the tenancy/leasehold agreement we will:

- Offer an appointment for a first interview with you within five working days of the initial complaint.
- Commence initial investigation within five working days of receipt of consent.
- Inform you of what we have found out and the action we have taken within 15 working days of receiving consent.
- For nuisance cases where no corroborative evidence can be ascertained (i.e. one on one complaints) the Council reserves the right to inform you and the alleged perpetrator that the case shall be referred to the CALM Mediation Service.

Where you report behaviour that is not considered as a breach of tenancy/leasehold agreement and for which we have no further legal powers upon which to act, we will:

- Write to you within five working days of receiving your complaint and inform you that there is no action that we can take and provide you with advice on further action that you may wish to pursue. We will recommend that you make use of the CALM Mediation Service to assist you to resolve the issue. We ask complainants to discuss this option with the CALM Mediation Service.
- Every attempt is made to obtain consent from complainants before taking legal or other enforcement action. This ensures we are acting in accordance with the complainants wishes and officers do what the complainant wants to be done. However, in cases where no consent is given officers must consider if there is another way of evidencing the anti-social behaviour. If so they may progress action and keep the complainant updated of what is happening.
Support of complainants and witnesses

In all cases, the Council will keep you informed through regular monthly contact with you, either in writing, by telephone, by email or by visiting you. In all cases, where consent to act is given, and where our investigations warrant it, the Council will take action against those whose behaviour causes distress and/or disturbance to others. Where you act as a witness in any legal matters we will support you through that process and explain what is going to happen. In all cases, the Council will support complainants and witnesses as follows:

- When remaining in your home will pose a threat to the safety of yourself or your family, we will provide emergency temporary accommodation and assist you in moving to permanent accommodation in exceptional circumstances.
- Support from officers: estate wardens patrol estates in their car and by foot; a professional witness officer provides support directly to you particularly if you are assisting with legal action; referrals are made to other agencies and service departments with your consent, e.g. Victim Support, Social Services.
- Improve your security at home if needed (install additional locks, spy holes, panic alarms through Careline).
- Provide you with the Local Authority’s out of office hours emergency contact numbers.
- Provide practical support during court cases by arranging meetings with our legal team or barrister to explain the court process. Provide transport to and from court where needed and further legal protection following court cases to protect you from any reprisals.
- Written and verbal communication will be in a language of your choice or based on your needs, e.g. use of British Sign Language, Braille etc.
- If the behaviour of others is affecting the peaceful and quiet enjoyment of your home and/or your community, please contact us using the details listed below.

Hammersmith & Fulham Council ASB Unit
This dedicated team deals with anti-social behaviour matters, no matter where they happen.
Phone: 020 8753 2693
Email: asbu@lbhf.gov.uk

Housing Services area housing offices
If you are experiencing ASB and are a tenant of a Council property, in the first instance please contact your local area housing office and they will advise you of how to take the matter forward.

Hammersmith North
New Zealand Way
White City Estate W12 7DE
Phone: 020 8753 4400
Email: hammersmithnorth@lbhf.gov.uk
Email: southhammersmith@lbhf.gov.uk

Fulham North
Clem Atlee Estate,
Lillie Road, SW6 7RX
Phone: 020 7385 3355
Email: fulhamnorth@lbhf.gov.uk
Email: southfulham@lbhf.gov.uk

Neighbourhood wardens
The Neighbourhood warden service works to deter ASB on the Council’s housing estates. Council tenants and leaseholders can call the service on 020 753 2645, 8am-11.00pm Monday - Friday with reduced patrols on Sundays.
Enviro-crime
To report graffiti, fly-tipping, littering, fly-posting and dog fouling call 020 8753 1100
To report abandoned vehicles call 020 7371 5678
To report noise nuisance call 020 8753 1081
All crimes will be investigated and prosecuted

Third Party Reporting Centres for Racial Harassment & Hate Crimes
These centres are for any resident to report incidents of race or hate crime in a safe and friendly environment to a specialist case worker.

The Fatima Centre
Commonwealth Avenue
White City, W12 7QR
Wednesday, 10.00am-12.00pm

The Shanti Centre
89 Askew Road
Shepherds Bush, W12 9AS
Wednesday, 1.00-2.00pm

Shepherds Bush Advice Centre
338 Uxbridge Road
Shepherds Bush, W12 7LL
Wednesday 2.00-4.00pm

H&F BME CITAS
Iraqi Association
Iranian Association
Refugee Advice & Support Centre
Palingswick House
241 King Street
Hammersmith, W6 9LP
Monday-Friday, 9.00am-5.00pm

Hammersmith & Fulham Police
There are three police stations within the Hammersmith & Fulham borough; Hammersmith, Shepherds Bush and Fulham. They can all be contacted on: 020 8563 1212

Contact details for your local Safer Neighbourhood Team are below.

Police Safer Neighbourhood Teams
These are dedicated police teams that deal with local concerns in each ward. They have a truly local feel to them and aim to reduce crime and to increase the sense of well-being in the neighbourhoods they are working.

Phone: 101 for reporting anti-social behaviour.

Please note these teams work on shift patterns and are for non-emergency issues.

All information will be treated in the strictest confidence.

In an emergency always call 999
If you require a copy of this document about the Council Statement of Policy and Procedures on Anti-Social Behaviour in another language or format please contact your Area Office or the Anti-Social Behaviour Unit on the details above.