

DENBIGHSHIRE COUNTY COUNCIL

COMMUNITY HOUSING

ANTI-SOCIAL BEHAVIOUR POLICY

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INTRODUCTION

The Anti-Social Behaviour Act 2003 (Section 12) requires that every Social Landlord prepares and publishes a policy and procedure to detail specifically how they will deal with anti-social behaviour.

The Welsh Government has issued a Code of Guidance on how Social Landlords should prepare and review their ASB policies and procedures, Denbighshire County Council have produced this statement and summary of policy and procedure with regard to this Code and in accordance with s208A (7) of the Housing Act 1996.

General Policy Statement

Denbighshire County Council's Housing Services aims to respond proactively to deal effectively with complaints and to reduce levels of anti-social behaviour and engage in collaborative work with our partners to support the overall crime & disorder strategy to reduce ASB within Denbighshire.

As a Landlord:

1. We will not tolerate ASB and will take firm action to challenge and change unacceptable behaviour.
2. We will give a responsive, targeted service to our residents and respond within set time scales.
3. We will actively work in partnership with statutory and voluntary agencies to prevent ASB.
4. We will support Witnesses/Complainants by taking a Victim centred approach to resolving ASB problems.
5. We will consult with and seek the support and active involvement of the local community to direct our responses to ASB.
6. Serious ASB will be dealt with quickly and enforcement action taken to protect victims.
7. Eviction will be seen as a last resort BUT in cases of serious or long-standing ASB/criminal activity we will take eviction proceedings and the perpetrator(s) may be treated as ineligible or given no preference according to our allocations policy, if they seek to apply for housing with this Authority.
8. We will share information with relevant agencies in accordance with section 115 Crime & Disorder Act 1998 & Data Protection Act 1998.
9. We will provide training for our staff, Councillors and our tenants. We will build on good practice case management and benchmark our services against other providers.
10. In consultation with our tenants we will seek to improve by design the security/safety of the local area via the environmental improvement

schemes.

11. We will in partnership with other agencies offer support to witnesses to enable them to feel confident, safe and secure in giving evidence.
12. We will use legal services to ensure that swift and appropriate measures are put in place to deal with ASB and protect witnesses/Complainants.
13. We will use a variety of informal and formal resolution/enforcement methods to deal with ASB, all cases will have a response which is proportionate, dependent on the type and nature of the ASB.
14. We will in partnership with other agencies offer support to perpetrators to enable them to change their behaviour to allow them to remain within the community and adopt/demonstrate the norms of acceptable behaviour which the community can reasonably expect.
15. All complaints will be treated confidentially and the identity of the complainant will not be disclosed without permission.

Strategic Framework

Denbighshire County Council Housing Services recognises that anti-social behaviour is not just a social housing issue it can occur in any community from any tenure of property.

We will work with partners to tackle and deter behaviour that causes a nuisance to others.

This policy has been written with regard to current legislation:

- HOUSING ACT 1985 (as amended by the Housing Act 1996)
- RACE RELATIONS ACT 1976 AND THE RACE RELATIONS (amended) ACT 2000
- CHILDREN ACT 1989
- ENVIRONMENTAL PROTECTION ACT 1990
- HUMAN RIGHTS ACT 1998
- CRIME AND DISORDER ACT 1998
- REGULATION OF INVESTIGATORY POWERS ACT 2000
- LOCAL GOVERNMENT ACT 2000
- POLICE REFORM ACT 2002
- HOMELESSNESS ACT 2002
- THE ANTI-SOCIAL BEHAVIOUR ACT 2003
- HOUSING ACT 2004
- THE CLEAN NEIGHBOURHOODS & ENVIRONMENT ACT 2005
- RACIAL AND RELIGIOUS HATRED ACT 2006
- THE HOUSING & REGENERATION ACT 2008
- EQUALITY ACT 2010
- POLICE AND JUSTICE ACT 2006
- ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

SECTION 1

DEFINITION OF ANTI-SOCIAL BEHAVIOUR

Denbighshire County Council recognises that to provide a quality housing service we must be effective and committed to addressing the problems caused by ASB and breaches of tenancy.

Definition from: Section 1 (1)(a) Crime and Disorder Act 1998:

“Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household”.

A non-exhaustive list of examples of ASB :

- Verbal abuse
- Intimidation
- Violence
- Noise nuisance
- Harassment
- Foul language
- Graffiti
- Threatening behaviour
- Fly-tipping and littering
- Hate behaviour
- Criminal activity
- Domestic abuse
- Vandalism and damage
- Abandoned vehicles
- Fouling of public places
- Car repairs
- Drug misuse

Anti-social behaviour can be perpetrated by individuals, groups, families, adults and children.

LANDLORD’S OBLIGATIONS

We will meet our Landlord Obligations by developing:

Approaches to detect, deter and deal effectively with incidents of anti-social behaviour and the fear of crime.

Denbighshire County Council Housing Services will investigate complaints of ASB from our homes or within our communities and we will work in partnership with other Council departments, North Wales Police, Registered Social Landlords and other agencies to ensure a responsive, appropriate service is being provided.

We will use a range of prevention, intervention and enforcement actions to counteract anti-social behaviour and to respond in the most appropriate manner.

Action will always be proportional to the type and severity of the anti-social behaviour occurring. Many cases of ASB can be resolved quickly and permanently by utilising prevention and intervention procedures but enforcement is a tool which is used and will continue to be used where the intervention has failed or the behaviour is too serious or long-standing.

We will tackle anti-social behaviour based on 3 overlapping approaches:

- Prevention
- Intervention
- Enforcement

1.PREVENTION

We will work to identify any activities that support a preventative approach to deterring nuisance behaviour. Some examples are:

1.1 Introductory Tenancies

The council will give all new tenants an Introductory Tenancy for 12 months which allows the council to support new tenants and also closely monitor behaviour. A secure tenancy would only be granted following satisfactory completion of the introductory tenancy.

1.2 Tenancy Support

The council will seek to identify any support services where available to support vulnerable tenants, such as those with disabilities, drug/alcohol dependency, former prisoners and those with mental health support needs to enable them to adhere to their tenancy conditions.

1.3 Diversionary Projects

We will work in partnership to support multi-agency approaches to provide projects that involve young persons in activities that contribute to reducing the likelihood of incidents of nuisance behaviour in our communities.

1.4 Multi-Agency Partnerships

The council will work with other council services and with external partners to take a collaborative approach to developing preventative approaches whether supporting or educating individuals, groups or communities to prevent behaviour that causes a nuisance to others.

1.5 Design and Security.

Where resources allow or can be identified the council will work to provide physical improvements in our communities that can support the prevention of anti-social behaviour.

2. INTERVENTION

Where necessary we will act to provide intervention measures to deter or prevent further incidents of nuisance behaviour. Some examples are:

2.1 Acceptable Behaviour Contracts (ABC's)

This is a contract which highlights unacceptable behaviour and is signed by an individual who agrees to not act in an anti-social way. This is a joint agency approach involving the individual, parent (if appropriate), Denbighshire Housing and North Wales Police. In addition other agencies can be requested to support e.g.. Social services, education, youth services.

ABC's have been seen to successfully change unacceptable behaviour and therefore alleviating the nuisance to others without further more costly intervention.

2.2. Multi-Agency Case Conferencing

Case conferencing forms an effective tool to engage agencies in the support of both victims and perpetrators in order to facilitate a result which is acceptable to the victim and enables the perpetrator to modify their behaviour, and prevents re-offending.

In accordance with the Equality Act 2010 we discuss ways in which vulnerable perpetrators (in terms of disabilities, drug/alcohol abuse or dependency, mental health) can be supported so they and their families can retain their homes, prevent homelessness and prevent legal action remedies being required.

Where a change of behaviour does not occur or the person does not engage with the support/intervention method, enforcement action will be taken to deter the unacceptable behaviour.

2.3 Mediation Services

Some cases, particularly low level disputes involving neighbours, can be resolved by involving impartial mediation services. Both parties have to be agreeable to the process.

This can be successful in raising awareness of the impact of behaviour on others.

2.4 Restorative Justice

We will work with North Wales Police where appropriate to support individuals to recognise how their behaviour affects others and to find positive solutions to disputes. It also encourages individuals to face up to their actions.

3. ENFORCEMENT

Where prevention or low level intervention fails to achieve the necessary outcome or in cases where behaviour is sufficiently serious, enforcement action will be the appropriate approach to take: Some examples are:

3.1 Civil Injunctions

These are orders of the court which compel someone to do something or restrict someone from doing something. These are very useful as alternatives to possession proceedings.

Section 1 Anti-social Behaviour Crime and Policing Act 2014 (“ASBCPA”) “Civil injunction”. This replaces the Anti-social Behaviour Injunction under the Housing Act 1996 and the Anti-Social Behaviour Order under the Crime and Disorder Act 1998.

The Authority may apply for an injunction against a person over the age of 10 years of age, if the following test is made out;

Where a person has engaged or threatened to engage in anti-social behaviour AND it is just and convenient AND the behaviour must directly or indirectly affect the Association’s housing management functions.

In this context anti-social behaviour means;

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person

The injunction is a civil order which can restrict someone from doing something, for example; not to contact their neighbour as well as require them to do something, including take part in an activity, for example; to attend anger management training.

A power of arrest may be attached to a term of the injunction in cases where;

- Person has engaged or threatens to engage in ASB which consists of use or threats of violence against another OR,
- There is significant risk of harm to another
- A person may be excluded from their home if they are over 18, and the following test is met;
- Person has engaged or threatens to engage in ASB which consists of use or threats of violence against another OR,
- There is significant risk of harm to another

Injunctions against under 18 year olds will take place in the Youth court and the Youth Offending Team must be consulted unless it is a without notice injunction.

These tools are very useful when protection of people or property is needed. They can be obtained ‘without notice’ to the individual concerned, for example; where notification may result in a deterioration in behaviour or where the application is urgent. Breach of an order is contempt of court and which could lead to imprisonment and/or a fine.

3.2 Criminal Behaviour Orders

Section 22 Anti-social Behaviour Crime and Policing Act 2014 (“ASBCPA”) “criminal behaviour order” (“CBO”) This replaces the Anti-social Behaviour Order on conviction under the Crime and Disorder Act 1998.

This is available to the Police and Local Authority on sentencing an offender or ordering a conditional discharge. This is an order compelling someone to do something or restrict them from doing something.

This will be ordered where the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that caused or was likely to cause harassment alarm or distress to any person AND that the court considers that it will help prevent that person from engaging in such behaviour.

The CBO can restrict someone from doing something, for example; not to contact their neighbour as well as require them to do something, including take part in an activity, for example; to attend anger management training.

This is available to those aged 10 years plus and the prosecution must find the views of the Youth Offending Team where it involves an under 18 year old. Breach of the order without reasonable excuse is a criminal offence.

3.3 Demoted Tenancies

Section 14 of the Anti-Social Behaviour Act 2003 amends the Housing Act 1985 (Housing Act 1996) to allow a secure tenancy to be brought to an end by a demotion order granted by the Court. The Council can only apply for demotion of tenancy on grounds of Anti-Social Behaviour and evidence must be presented in court, the court does not have to grant an order.

In effect a demoted tenancy is then akin to an introductory tenancy, it is a 12 months probationary tenancy where if no further legal action is taken the tenancy reverts to a secure tenancy at the end of the 12 month period. A demotion order removes security of tenure and restricts the tenant from certain benefits enjoyed by secure tenants notably they are denied the Right to Buy or Mutual Exchange.

This action would be taken by Denbighshire County Council to control offending ASB behaviour without initially depriving the tenant of their home, in order to give them the opportunity to obtain support, change their behaviour and comply with tenancy conditions.

Or where the perpetrators of the ASB were not the tenant but family members or visitors to the property and where demonstrable action is being taken to prevent any further occurrences of unacceptable behaviour.

This action also allows Housing Services to seek ancillary orders e.g. CBO, Civil injunction against the tenant or someone joined in the proceedings.

This also returns the tenant’s security of tenure, as a secure tenant after the expiry of 12 months, therefore, acceptable behaviour is rewarded.

If this action fails to ensure the unacceptable behaviour ceases possession

proceedings would be sought immediately.

3.4 Possession & Eviction

Possession and resulting eviction is seen as last resort as every effort is made to bring about a change in unacceptable behaviour, to provide supportive interventions and give effective warnings to enable the tenant to remain in their home and live in an acceptable manner within the community BUT where these interventions have been unsuccessful, where the behaviour continues, or the risks to the victim or community are too great because of the seriousness or long-term nature of the offending behaviour Denbighshire County Council WILL seek possession.

The process for gaining possession and evicting a tenant depends on the type of tenancy they have.

3.4.1 Demoted Tenancy

If a demoted tenant does not comply with the conditions of the demotion order the tenancy can be brought to an end by application to court for possession and subsequent eviction. Possession is mandatory.

Possession is mandatory therefore the Authority will work within the appropriate legal provisions including;

- The Pre-Action Protocol for Possession
- The Human Rights Act 1998
- The Equality Act 2010.

3.4.2 Introductory Tenancy

Denbighshire County Council operate Introductory Tenancies which are probationary tenancies for 12 months, breaches of tenancy can result in the Local Authority serving a notice and obtaining a court order to evict the tenant. Possession is mandatory.

Possession in cases where the tenancy is **subject to Mandatory Possession** is now mitigated by the Supreme Court Judgement on Proportionality. In certain cases a defence under the Human Rights legislation is permissible.

Possession is mandatory therefore the Authority will work within the appropriate legal provisions including;

- The Pre- Action Protocol for Possession
- The Human Rights Act 1998
- The Equality Act 2010.

3.4.3 Non-Secure Tenancies

Non-secure tenancies are sometimes used within Council stock for very limited situations notably to provide temporary accommodation. The non-secure tenancy can be terminated by serving a 'Notice to Quit' and application to Court, possession is mandatory.

Possession in cases where the tenancy is **subject to Mandatory Possession** is

now mitigated by the Supreme Court Judgement on Proportionality. In certain cases a defence under the Human Rights legislation is permissible.

Possession is mandatory therefore the Authority will work within the appropriate legal provisions including;

- The Pre- Action Protocol for Possession
- The Human Rights Act 1998
- The Equality Act 2010.

3.4.4 Secure Tenancies

Discretionary Grounds for Possession

Schedule 2 of the Housing Act 1985 as amended. This schedule contains the grounds for possession. Ground 2 relates to anti-social behaviour and convictions for indictable offences by the tenant, household member or visitor. This has been amended following the ASBCPA to include causing nuisance and annoyance to the landlord or employees in connection with their housing management functions and that it is directly related to those functions.

This is a discretionary ground which means the court must consider it reasonable to grant possession.

The ASB Act 2003 (section 16) requires the Court to give particular consideration to the effects the ASB has had on the victims and the wider community when deciding whether it is reasonable to grant a possession order on the grounds of nuisance and annoyance.

Therefore for any proposed legal action to be successful the evidence must be commensurate with the legal action requested. As outlined in this policy document, Housing Services will support witnesses/complainants/victims to provide evidence, where appropriate will look at other ways in which evidence can be secured and presented.

This theme is developed more fully in other sections within this document (Supporting Witnesses, professional witnesses and covert surveillance and the use of hearsay evidence).

Ancillary legal action will be taken as appropriate when possession proceedings are taken especially to prevent the escalation of the ASB and/or to ensure that Denbighshire County Council as a responsible Landlord does not contribute to displacing the problem elsewhere. The aim of any action, where achievable, must be to abate the nuisance, control the unacceptable behaviour and prevent reoccurrence.

This may result in the perpetrators being treated as not eligible or not being given preference in accordance with our Allocations policy if they seek housing with this Authority.

We will also work in collaboration with internal and external agencies to obtain enforcement orders e.g. Noise Abatement Notices, Dispersal Powers, Closure Orders

and Parenting Orders

This action will be co-ordinated via the ASB coordinator case discussion format which represents a multi-agency response and joint accountability.

Absolute Ground for possession

Section 94 of the ASBCPA introduced a new Absolute Ground for Possession for secure tenants and inserted section 84A into the Housing Act 1985. Where one of the conditions is satisfied in this Ground the court must make an order for possession subject to the tenant's Human Rights and where the landlord has complied with the review requirements under section 85A Housing Act 1985.

These conditions relate to a previous court determining breach of a CBO or Civil Injunction, conviction for a serious offence, where a closure order was granted for more than 48 hours or a breach or abatement notice or order.

Possession is mandatory therefore the Authority will work within the appropriate legal provisions including;

- The Pre- Action Protocol for Possession
- The Human Rights Act 1998
- The Equality Act 2010.

4. POWERS CONTAINED IN THE HOUSING ACT 2004

Part 6 of the Housing Act 2004 contains a number of measures to provide Local Authorities with the legal powers to tackle anti-social behaviour by complimenting existing legislation with the following:

- Local Authorities now have the flexibility to extend introductory tenancies by a further 6 months where there are continuing problems with the tenancy.
- To withhold consent for a mutual exchange where legal action to prevent ASB has been commenced, or already taken against the assignee the assignor or a member of their family.
- The Landlord's obligation to complete a Right to Buy sale can be suspended where there are proceedings in relation to ASB. Further clarified by section 304 IN THE HOUSING & REGENERATION ACT 2008.
- The Landlord can apply to Court for an order to suspend a tenant's Right To Buy for a specific period on ground of ASB.

5. TENANTS OBLIGATIONS

All Council Tenants are subject to the Terms & Conditions of Tenancy. This is a legal contract between Denbighshire County Council and the Tenant(s) and the Tenant(s) receive a copy at the commencement of the tenancy or if/when terms of tenancy are revised.

It is not intended to reproduce the terms & Conditions of Tenancy in full, but the most relevant terms are detailed below:

A Tenant(s) is/are responsible for their own actions, for the actions of those who live with and those who visit their home and **MUST**

- Not cause or be likely to cause a nuisance, annoy or distress anyone
- Not use , or allow the dwelling and communal parts of the building to be used for any illegal or immoral activity
- Not harass the occupiers of neighbouring properties
- Not use racist behaviour or language
- Not write threatening, abusive graffiti or letters
- Not use dangerous weapons at the property or in the neighbourhood
- Not threaten or abuse a Council Officer or Members of the Council or Contractors carrying out their duties
- Ensure all refuse and unwanted household items are disposed of in a safe and hygienic manner
- Not park any vehicles which cause an obstruction
- Not drive, park or ride vehicles on communal areas
- Not allow their pets to cause a nuisance, foul the area or cause damage
- Not damage the property and must keep the property in a clean and tidy condition

6. DEALING WITH HATE CRIMES

Denbighshire County Council will not tolerate any form of harassment/hate crime and will seek in partnership with other relevant, specialised agencies to prevent racial harassment (and other forms of harassment) occurring, provide support for victims and deal with perpetrators. Housing services will take enforcement action against any tenant where the evidence supports the complaint and we will take joint action with other agencies to secure criminal or civil action as appropriate.

The Council adopts the definition of racist incident provided by the

McPherson Report of the Stephen Lawrence Inquiry 1999

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

Joint reporting by all agencies of incidents and collation of data is part of the Crime & Disorder Partnership Strategy to ensure that joint action to identify and deal with racial, homophobic incidents are given due priority.

The Council will work in partnership with other agencies to prevent hate crime and deal appropriate to support and assist victims.

7. DOMESTIC VIOLENCE

We will work closely with the Police Domestic Violence Unit, Local Police, Women’s Aid and the Victim to take appropriate action to safeguard and support the victim. The witness support initiatives can offer practical support by a variety of agencies,

including extra security measures, legal advice etc. Advice and assistance via Homelessness services if required.

Action against the perpetrator will where applicable result in action being taken under ground 2A Housing Act 1996 to secure possession of the property if the perpetrator remains in occupation to the exclusion of the victim.

The tenant victim who cannot remain in occupation will be given information about options available in relation to their housing. They will be encouraged to seek their own independent advice so that they can make an informed decision knowing the consequences of making such a decision. The Authority will provide appropriate support to the tenant throughout this time.

The Authority may apply to court to recover premises where one partner has left the property following violence from the other and they are unlikely to return. This can be used irrespective of whether the alleged perpetrator remains in the property. Ground 2A schedule 2 Housing Act 1985.

8. WITNESS SUPPORT

Denbighshire County Council Housing Services is a partner within a multi-agency response network. We can arrange provision of a range of services either direct or via other agencies.

Including:

- Police (including CSO)
- Denbighshire County Council
- RSLs
- Victim Support
- Women's Aid
- Neighbourhood Wardens/community agencies

To coordinate a multi-agency response to support witnesses/complainants emotionally and practically through the evidence giving process. This may range from short-term minimal support to longer-term and/or intense support in more serious ASB cases.

The provisions include:

- Regular contact
- Named officer
- Security measures - locks, camera, etc
- Safety measures - mobile phone, alarm etc
- Translation/interpreting services
- Help and assistance to enable the witness to feel confident to give evidence themselves

- Assistance with attendance at court

The purpose is not to move the witness/complainant rather to abate the nuisance and deal effectively with perpetrators, but in exceptional cases where there is serious risk of violence, temporary or permanent re-housing options can be considered.

8.1 Witness Support/Evidence Gathering

Use of covert and/or overt surveillance and professional witnesses can be used to assist in the evidence gathering process where appropriate and justified subject to resource implications and the case circumstances. Any such surveillance will be carried out in accordance with the relevant rules in Regulation of Investigatory Powers Act 2000, obtaining the appropriate permissions and considering the Human Rights of all those involved and affected by the behaviour.

Housing (Council) Staff and Police Officers can also present hearsay evidence in Court (which thereby prevents very vulnerable/at risk witnesses having to attend) and this approach will be used where direct evidence from the witness is not possible because of fear/intimidation and their identity needs to be kept confidential.

It must be noted that whilst hearsay evidence is admissible, the Court attaches greater importance to the evidence given direct by the witness themselves.

9. INFORMATION SHARING/ DATA PROTECTION

Section 115 of the Crime & Disorder Act 1998 provides a power to exchange information where disclosure is necessary to support the local Crime & Disorder Strategy & Community Safety and the objectives outlined within the Strategic Partnership:- for the detection and prevention of crime and ASB.

Denbighshire County Council are members of the Partnership and as such are signatories to the Information Sharing Protocol which governs disclosure of information to authorised persons and is compliant with the Data Protection Act, and The Human Rights Act.

10. STAFF TRAINING

It is critical that the staff that have the responsibility for taking, investigating and resolving ASB complaints have in-depth training to equip them with the necessary skills, legal knowledge and to keep them updated on new legislation. This will be via regular in-house training updates, attendance at specialist professional seminars & training courses. Access to specialist legal advice and support if appropriate.

11. STAFF PROTECTION

Denbighshire County Council will not tolerate any abuse, threats, harassment, or violence towards staff and will take action against perpetrators.

DCC Housing Services operates a lone worker policy to safeguard and support staff. Risk assessment of situations are an integral part of the Housing Offers role and these skills are developed as part of the overall training regime.

12. VULNERABLE PERPETRATORS

Denbighshire County Council acknowledges that in some cases the perpetrators of ASB are themselves in need of support, advice and assistance; for instance where the ASB is the consequence of:

- Drug abuse/dependency
- Alcohol abuse/dependency
- Mental Health and/or
- Disability
- Family breakdown/abuse

In accordance with the Equality Act 2010 we offer support to meet the needs of vulnerable persons and ensure any policies are compliant and promote equality and diversity of opportunity. Translation/interpretation services available.

We will take a multi-agency approach to supporting vulnerable people to address the issues which affect their neighbours, to obtain the support to enable them to modify their behaviour, sustain their tenancy and remain within the community. Multi-agency risk assessments will be carried out at ASB case conferences, to action plan and if it is deemed appropriate referral to more suitable housing options can be considered i.e. supported housing projects.

If the rehabilitation route fails then Housing Services will take enforcement action to prevent any further ASB occurring and to protect the victim, witnesses and the local community.

13. PUBLICITY/COMMUNITY INVOLVEMENT

Where there is no legal restriction the Council will publicise action taken on ASB such as CBO's, Injunctions or evictions through press releases and newsletters. We will support action taken by partners within the Crime & Disorder Reduction Partnership and issue where appropriate joint publicity information.

This is to give confidence to victims, witnesses and the local community that we can effect change and address ASB with their help and support.

Also as a deterrent, to challenge perpetrators of ASB/Crime that we will not tolerate their unacceptable behaviour and have the legal enforcement tools to do so.