



ANTI-SOCIAL BEHAVIOUR POLICY

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1 Introduction

- 1.1 This policy outlines our approach to responding to reports of anti-social behaviour (ASB) to ensure tenants have their right to safe and peaceful enjoyment of their home and community.
- 1.2 The policy applies to:
- a) General needs properties;
 - b) Older persons' accommodation;
 - c) Temporary Accommodation.
- 1.3 When we refer to "general needs accommodation" in this policy we mean accommodation occupied by tenants paying a social or affordable rent. General needs tenants will hold secure tenancies, assured tenancies, starter tenancies, fixed term tenancies and contractual tenancies. Residents that occupy a property on a use and occupation basis will be considered a licensee and will be liable for a licence fee or charge as per the licence.
- 1.4 When we refer to "older persons' accommodation" in this policy we mean sheltered housing which specifically caters for older people.

2 Aims and Objectives

- 2.1 Residential Services is committed to working together with central government, the Police, external agencies, and residents to build safe communities and to tackle ASB effectively. We want to strike a balance between protecting the quiet enjoyment of the community, and helping individuals sustain their tenancies.
- 2.2 We expect our tenants, and their visitors and guests, to show consideration to their neighbours and not to cause nuisance. We also expect our tenants to be reasonably tolerant and understanding towards the lifestyles and needs of others and our tenancy agreement sets out our expectations. Unfortunately, there will be times when behaviour is not acceptable, or where tolerance is not being shown.
- 2.3 Through delivering our services we want to prevent ASB from occurring and to take positive action to stop further incidents if they occur and our response to anti-social behaviour will be proportionate to the extent of harm caused.
- 2.5 This document outlines the Council's policy and summary for dealing with ASB. The Council will not tolerate nuisance or anti-social behaviour directed towards our tenants, licensees, their visitors or any others engaged in a lawful activity in the locality of our homes, including our employees, contractors and others acting on our behalf.

- 2.6 ASB covers the range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their homes and/or community.
- 2.7 The Policy has been developed within the national and local policy context relating to ASB and in accordance with the Regulator's Neighbourhood and Community Standard and aims to demonstrate our commitment to:
- a) Providing an accessible and accountable service.
 - b) Taking swift action to protect communities and providing a positive response to reports of anti-social behaviour and being clear to those reporting what we can or cannot do.
 - c) Adopting a supportive approach to working with victims and witnesses, ensuring a victim centred approach.
 - d) Encouraging individual and community responsibility/
 - e) Having a clear focus on prevention and early intervention along with taking robust but incremental approach to tackling anti-social behaviour and only using legal action where proportionate and reasonable.
 - f) Ensuring that we will work with partner agencies to tackle ASB where appropriate, attempting to intervene early and prevent or resolve problems as quickly as possible and using the full range of legal and non-legal tools available to the Council.
- 2.5 This policy aims to:
- a) Make it easy to report ASB
 - b) Adopt a victim-orientated approach
 - c) Be accessible and open to victims, whilst being realistic about what we can do and what constitutes ASB
 - d) Take a balanced approach to manage ASB cases
 - e) Use a range of early intervention methods, where appropriate. (This to be balanced against the need to take urgent action, often with Police, in the more serious cases)
 - f) Offer support and advice to both complainants and perpetrators
 - g) Be proportionate in any action we take against perpetrators of ASB
 - h) Place emphasis on initial assessment, risk assessment, early intervention, support and regular contact with the complainant
 - i) Bring cases to an early conclusion where possible
 - j) Acknowledge that not all issues will constitute ASB
 - k) Work in partnership with other agencies where appropriate
 - l) Be an active participants of partnership groups
 - m) Send a clear message we will not tolerate any form of intimidation, harassment, discrimination or victimisation
 - n) recognise the importance of providing regular, up to date training for staff, which should be extended as far as possible, on what is a complex subject area

3. Legal Framework

3.1 The Council's policy and summary is to comply with section 218A of the Housing Act 1996 which places a duty on social landlords to publish anti-social behaviour policies and procedures. Other relevant regulation and legislation includes, but is not limited to:

- a) The Housing Acts 1985 and 1988 and 1996 and 2004
- b) Children's Act 1989
- c) Equality Act 2010
- d) Human Rights Act 1998
- e) Crime and Disorder Act 1998
- f) Civil Evidence Act 1995
- g) Homelessness Act 2002
- h) Homelessness Reduction Act 2017
- i) The Anti-social Behaviour Act 2003
- j) Anti-social Behaviour, Crime and Policing Act 2014
- k) Protection from Harassment Act 1997
- l) Environmental Protection Act 1990
- m) General Data Protection Regulations 2016 and Data Protection Act 2018Anti-social Behaviour Act 2003
- n) Neighbourhood and Community Standard 2015

3.2 Related Internal Policies:

- a) Tenancy & Lettings Policy
- b) Housing Allocations Policy
- c) Safer Arun Partnership Policy
- d) Tenancy Agreement
- e) Introductory Tenancy Policy
- f) Pets Policy
- g) Equality and Diversity policy
- h) Income Recovery policy
- i) Data Protection policy
- j) Safeguarding Policy

4. What is ASB

4.1 The Antisocial Behaviour, Crime and Policing Act 2014 defines ASB as:

- 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

'Housing related nuisance' means behaviour that directly or indirectly relates to or affects our housing management function to carry out day-to-day activities and the strategic management of our stock.

- 4.2 **Harassment** - Harassment is a specific form of ASB that is targeted at a person or group of people for any reason based on the definition of harassment in the Equality Act 2010. This includes any unwanted conduct relating to a relevant protected characteristic and the purpose or effect is violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment also includes engaging in unwanted conduct of a sexual nature or that is related to gender reassignment or sex.
- 4.3 **Hate Crime** - Hate incidents and hate crimes are acts of violence or hostility directed at people because of who they are or who someone thinks they are. They can cause high levels of harm to individuals, households and communities. A hate incident is when the victim or anyone else thinks it was motivated by hostility or prejudice based on their race, ethnic or national origin, religion, age, sexual orientation, gender, gender orientation or identity, disability, appearance, marital or employment status or any other reason. When hate incidents become criminal offences they're known as hate crimes.
- 4.4 **Domestic Abuse** - Domestic abuse is a serious crime that often takes place in the home. It impacts on the safety of individuals, households and communities. We believe that domestic abuse presents one of the highest risks to personal safety and we will deal with all reports of domestic abuse as high level cases.
 - 4.4.1 The government definition of domestic abuse, is: "Any incident or pattern of incidents of controlling, coercive, threatening behaviour or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality."
 - 4.4.2 Domestic abuse can also occur through the actions of immediate and extended family members through unlawful acts, such as forced marriage, 'honour-based abuse', and female genital mutilation (FGM).
 - 4.4.3 Our aim is to improve the safety of tenants affected by domestic abuse by encouraging early reporting by anyone who has experienced or witnessed domestic abuse to report this and by working with other agencies to provide support to meet the needs of abuse survivors.
 - 4.4.4 When we deal with reports of domestic abuse, we will also refer to our Safeguarding Policy.

- 4.4.5 We will offer a victim centred approach when reports are received by dealing with reports with sensitivity and in a non-judgmental manner, enabling residents to find support and to take the action against the perpetrator that they feel is most appropriate.
- 4.4.6 We work with other agencies to ensure the safety of domestic abuse survivors, meet their needs and take action against perpetrators.
- 4.4.7 We will work with survivors to enable them to reach a decision that they feel best ensures their safety. Any action we take will be with the survivor's consent. The only exception is if there is a risk of serious harm to them or others.
- 4.4.8 We will not require survivors to take legal action or contact the Police before we offer assistance.
- 4.4.9 For the safety of survivors, we will not interview alleged perpetrators in relation to reports as we would for other types of anti-social behaviour.
- 4.4.10 We will provide information about agencies that can assist survivors to access support and if necessary, emergency refuge accommodation.
- 4.4.11 Domestic abuse is a breach of Arun District Council's Tenancy Agreement and we will take formal tenancy action where appropriate.
- 4.4.12 To prevent domestic abuse we will raise awareness and encourage reporting through training, campaigns and promotion through our communication channels.

5 Definition of ASB

- 5.1 As set out above, the definition of ASB is wide ranging and could include a number of housing related issues. The Council recognises ASB to include, but is not limited to, the following:
 - a) Hate Behaviour / Hate Crime
 - b) Domestic Abuse
 - c) Drug Dealing
 - d) Criminal Behaviour
 - e) Harassment or intimidation
 - f) Violence against people and property
 - g) Noise nuisance
 - h) Fly Tipping and misuse of Communal areas
- 5.2 We will seek to make a fair evaluation on whether complaints made are reasonable and will therefore not usually consider the following as ASB:
 - a) Personal dislike/disputes i.e. people not being pleasant to each other but are not sufficiently serious to justify our involvement.
 - b) Normal behaviour related to working patterns (shift work)

- c) Cooking smells
- d) Parking disputes
- e) Children playing
- f) Domestic Noise - Domestic Noise is the everyday living noise within a household which amount to no more than going about their normal activities such as toilets flushing; running water; babies crying; noise from household appliances
- g) Complaints which do not amount to breaches of tenancy or licence agreements

5.3 We expect our tenants and licensees to have a reasonable level of tolerance between neighbours. It is important to recognise that individuals have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made against them. Whilst we will deal quickly and firmly with any ASB issues, we don't get involved in petty arguments.

We inform our tenants and licensees what we expect of them at the outset of the relationship with us; whether unintentional or deliberate, they must not commit, or allow their family or visitors to commit, acts of anti-social behaviour towards other residents, people in the local area or our staff or contractors. We stress that if anti-social behaviour arises, it may lead to action being taken against them.

6 Reporting

- 6.1 Complaints will be accepted from tenants, leaseholders, residents, family members, Councillors, advocates, anybody lawfully within the locality of the relevant property and the police or those that may be acting on their behalf.
- 6.2 Where complaints are received anonymously, the Council may not be able to carry out all the investigations actions in line with this Policy and an assessment will be made as to the actions that may be possible based on the evidence of the case that is available.
- 6.3 When ASB is reported we will consider the complainant's needs and the harm the ASB causes them (and others). We will consider the risks and work with other agencies where appropriate and possible to protect their safety, provide support, investigate the ASB and take action to stop further incidents. When complaints are assessed as anti-social behaviour we will:
 - a) Undertake a risk assessment on the potential harm of the ASB with victims and offer referrals to support agencies where appropriate
 - b) Advise the complainant who will deal with your ASB case and agree an action plan
 - c) Investigate reports of anti-social behaviour within agreed timescales
 - d) Keep the complainant informed of the actions we take

- e) We will not provide details of the complainant to the perpetrator without the complainant's permission
- f) We will contact the complainant before we close a case and give our reasons for this

7 Prioritising Complaints – Service Standards

- 7.1 No one should have to experience anti-social behaviour. All incidents of ASB reported will be treated seriously and dealt with professionally and while we will be flexible in the way we deal with reports of ASB, all cases will be dealt with firmly and proportionately.
- 7.2 We will work with other agencies to deliver an effective service where appropriate and possible.
- 7.3 Where appropriate we will make use of the legal and non-legal tools available to us to deal with antisocial behaviour.
- 7.4 When complaints are received, we will carry out an initial assessment to prioritise cases to ensure that the most serious cases are dealt with quickly. Where possible, complainants will be given a clear (single and named) point of contact. The assessment will categorise as follows:
 - 1. High – Initial Response within 1 working day.** Examples include violence against the person, domestic abuse, racial abuse, serious harassment and hate crime.
 - 2. Medium – Initial Response within 5 Working days.** Examples include, suspected drug dealing, non-violent criminal behaviour, damage to property.
 - 3. Standard – Initial Response within 10 working days.** Examples include noise complaints, nuisance from car repairs, nuisance pet issues and garden issues.
- 7.5 Where complaints not assessed as anti-social behaviour the complainant will be notified of the decision and advised provided about other remedies which may be available to them.
- 7.6 Complaints of ASB can be made to the Council in a variety of ways, including: by phone, online, using the out of hours service.
- 7.7 Complainants will be asked at the outset what steps they expect the Council to take and what would be a satisfactory outcome for them. This is to give the opportunity to be honest with them about what realistically can or cannot be achieved at the outset.

- 7.8 Complainants will be updated during the course of the open complaint and while any investigation is undertaken at intervals of not less than 28 days.
- 7.9 Complaints of ASB cases will be closed if there is no engagement or co-operation by the complainant to the Council or where the issue is resolved or when no further action can otherwise be taken save that cases will be re-opened should any new instances of ASB be reported or if new relevant evidence is provided.

8 ASB Tools and Interventions

- 8.1 **Introductory Tenancy** - Introductory Tenancies are used for all new tenants and provide a 12-month probationary period during which any potential problems in the management of the tenancy can be acted upon. This includes extending the Introductory Tenancy to allow further investigation or monitoring of support measures put in place, and/or using possession to bring an end to the tenancy if the tenant fails to keep to the terms of the tenancy agreement.
- 8.2 Where Extension of Tenancy or Possession action is necessary within the period of the Introductory Tenancy, this will be carried out in accordance with the Introductory Tenancy Procedure.

9 Action and Intervention – Residential Services

- 9.1 **Home visits** – can be a useful tool for raising awareness of a particular problem and helps officers to assess local circumstances. Where appropriate joint visits with a local police officer are often effective in preventing the escalation of a problem.
- 9.2 **Mediation Service** – tenants and neighbours with disputes are encouraged to use mediation at an early stage, where appropriate, to help the people involved to reach an agreement that satisfies everyone.
- 9.3 **Tenant Support** – tenants can be referred directly where consent is given to specialist alcohol and drug support services.
- 9.4 **Safeguarding** children and vulnerable adults – by working with other agencies and teams including the Community Safety Team and West Sussex County Council.
- 9.5 **Acceptable Behaviour Contracts** – A formal agreement made in discussion with a tenant or licensee that sets out what is/is not acceptable behaviour.
- 9.6 **Good Neighbour Agreements** – where there is a need to address local concerns around ASB and disorder Residential Services may consider using Good Neighbour Agreements.
- 9.7 **Warning letters** – can be issued highlighting breaches of tenancy and request the individual causing ASB cease their behaviour otherwise legal action will be considered.

- 9.8 **Enforcement Action** –The Council has a range of other enforcement action that it may take to combat ASB. Other departments within the Council may also take action, for example, the Environmental Health Service may issue abatement notices or take other legal action in relation to noise nuisance.
- 9.9 **Tenancy demotion** – a secure tenant can be demoted through Court action. The demotion reduces the rights and security of the tenure for a period of up to 12 months.
- 9.10 **Civil Injunction** – This is a Court Order designed to prevent someone from engaging in anti-social behaviour giving specific details of what they can and cannot do. Injunctions may also include the Power of Arrest, and if breached may result in a fine and/or imprisonment. It is also possible for somebody to be excluded from a property, specific area and/or their home.
- 9.11 **Closure Order** – A Closure Order Prohibits access to the Property by anyone as directed by the court. If granted, these Orders are usually for three months but can be extended.
- 9.12 **Possession proceedings** – where there are serious breaches of tenancies Residential Services can apply to the Court for possession of a property. This could lead to the tenant or licensee and their household being evicted from their home. This type of action requires detailed evidence and complainants will be asked to keep detailed evidence sheets of incidents.
- 9.13 The Process followed to seek possession will depend on the tenancy type. The first step in seeking possession is to send the tenant a formal Notice.
- 9.14 **Mandatory Possession** – The Council has additional powers to gain possession of properties where the tenant, or a member of the household or visitor, had been convicted of a serious offence, has breached the terms of an Injunction, Criminal Behaviour Order, a Noise Abatement Order Notice or Order, or a Closure Order has been made.

10 **ASB Case Management**

- 10.1 We will use a range of early intervention measures to tackle and prevent ASB as outlined above.
- 10.2 We will ensure that where there is evidence of ASB, perpetrators are aware of the consequences of their actions (with the exception of Domestic Abuse cases where contacting the perpetrator would place the victim at risk).
- 10.3 Where we become aware that a person causing ASB is vulnerable or needs additional support we will take reasonable steps to identify any support needs and help them access support if appropriate. This is to give the perpetrator the opportunity to modify their behaviour and make positive changes. We appreciate

that some perpetrators may be vulnerable and will need help and support to enable them to sustain their tenancy and reduce the risk of losing their home. If appropriate, we will work with both internal and external support services and external specialist agencies.

- 10.4 When considering legal action in cases where a perpetrator is disabled or considered vulnerable, their needs will be assessed against the impact of their behaviour on others and in line with the Equality Act 2010.
- 10.5 We will follow our Safeguarding Policy if there are concerns for the safety of someone who is vulnerable.
- 10.6 Where it is considered necessary and appropriate, formal legal actions may be taken in relation to tenancy breaches and this includes the full range of tools and powers available to the Council.
- 10.7 If there is an ongoing police investigation, we may wait to seek the outcome of this before taking further action. There may be the need to refer matters of a criminal nature to the police.
- 10.8 The actions we take will be proportionate to the seriousness, impact and the frequency of the behaviour, the level of risk that it poses to those affected and the evidence available to support the case.
- 10.9 We will not take action where there is insufficient evidence. We will support other agencies in taking action where they have the prime responsibility and powers to do so.

11 Tenants Responsibility

- 11.1 We expect tenants and anyone else whose behaviour they are responsible for (including children) not to commit ASB, hate incidents or crimes and to abide by the terms of their tenancy agreement.
- 11.2 We expect tenants to fully consider and engage with offers of support and referrals to support agencies.

12 Protection of Staff

- 12.1 Dealing with complaints of anti-social behaviour can result in confrontation, verbal abuse and threats of violence and the Council has a duty to provide staff with a safe working environment and will therefore take any steps deemed necessary and appropriate to minimise risk to staff.
- 12.2 The tenancy agreement is a legal agreement between the tenant and the landlord which defines the rights and responsibilities of both parties. The agreement prohibits the use of, or the threat of violence, harassment, or intimidation against

Council staff, or their agents, by any tenant, member of their household or visitor to their address, and the Council will take the appropriate actions against perpetrators.

13 Partnership working

13.1 Residential Services is committed to working in partnership with other services and agencies to provide a multiagency approach to managing cases of anti-social behaviour to:

- Ensure effective partnerships with other Council Services (including Environmental Health, Community Safety and Legal Services) and with the Police, to deliver a joined-up response to complaints of ASB.

- Contribute to achieving the aims of the Safer Arun Partnership to:
 - Make communities safer
 - Reduce ASB
 - Provide high quality services for victims of ASB
 - Work with local communities to determine their priorities and find solutions
 - Ensure that we all work together effectively

- To Participate in multi-agency meetings to investigate and prevent ASB.

- Contribute to the development and implementation of protocols for joint working and information sharing between agencies with the aim of improving communication and case management.

13.2 The Council also recognises the community trigger. The onus is on the victim of ASB to activate the community trigger. The Anti-Social Behaviour, Crime & Policing Act 2014 provides for the community trigger and is a mechanism for victims of persistent anti-social behaviour to request that relevant bodies undertake a case review. A case review would entail the relevant bodies sharing information in relation to the case, discussing what action has previously been taken, and collectively deciding whether any further action could be taken.

14 Complaints

14.1 Any complaints about how a case of ASB has been handled will to be dealt with through the Council's complaints procedure. An outcome of the complaint's procedure may be that changes to existing practices are recommended. In this way the effectiveness of the ASB procedure will continue to be under scrutiny.

15 Data Protection and Confidentiality

- 15.1 The council will ensure it complies with the requirements of the General Data Protection Regulations 2016 and Data Protection Act 2018 and its own data Protection Policies when managing information, including the collection, storage, access to, provision and disclosure of data.
- 15.2 There may be sensitive personal information on file relating to victims and perpetrators of ASB which is not to be shared with another party. This should not detract from the fact that regular communication should be maintained with a victim, even in instances where, for confidentiality reasons, the information to be shared is limited. There may be a requirement to share information with a third party under the Crime and Disorder Act 1998 and specific legal advice will be taken in that regard.

16 Equalities Impact Assessment

- 16.1 This policy will be implemented in accordance with our Equality and Diversity Statement, ensuring that we will not discriminate against anyone on grounds of their protected characteristics. We are committed to equality and diversity. This policy has considered the Equality Act 2010 and we have completed an Equalities Impact Assessment. We will make sure that all of our communication is fully accessible and to achieve this if a policy or document needs to be available in other formats, we will provide them.