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# **HOUSING LANDLORD SERVICES**

**Anti Social Behaviour Policy**

Version 1.0

01/04/16

Responsible Officer:	<i>(Responsibility for proposing final draft, implementation and review)</i>
Author:	Housing Management Team Leader
Approved by:	Tenancy Services Manager
Date Approved:	
Approved by:	Head of Service
Date Approved:	
Date of Equality Impact Assessment:	If applicable
EIA Review Date:	3 years unless legislative changes dictate otherwise
Effective Date:	1 <sup>st</sup> April 2016
Policy Review Date:	1 April 2019
<b>Policy Review Statement</b> - This policy will be reviewed at the date mentioned above or following legislative, organisational, or changes to good practice if sooner.	

# Contents

	Page/s
1. Introduction .....	4
2. Policy Statement .....	4
3. Context .....	5
4. Categorising Anti-Social Behaviour .....	6
5. Anti-Social Behaviour Objectives .....	8
6. Tenants Responsibilities .....	8
7. Partnership Working .....	9
8. Protection of Staff .....	10
9. Monitoring .....	10
10. Accessibility of information/Publication .....	10

## **1. Introduction**

- 1.1 This policy applies to all Castle Point Borough Council (CPBC) Staff and Contractors. It sets out our commitment to tackling anti-social behaviour (ASB) experienced by CPBC customers, Staff and Contractors and other Residents within a neighbourhood.
- 1.2 This policy applies where the alleged perpetrator is a CPBC Customer (s) or where a CPBC customer is being affected by the behaviour.
- 1.3 Anti-social behaviour experienced in an area where we have no stock and no CPBC Housing Services customer is involved will fall outside of our jurisdiction. However, when we receive reports that fall into this category we will signpost complainants to the Police, any internal department whose remit would cover the complaint or other relevant organisation.
- 1.4 We will ensure that appropriate legislation is followed, in addition to our Data Protection Policy, when discharging the requirements of this policy.
- 1.5 We expect all staff to be familiar with this policy and the procedures which support them.
- 1.6 This policy applies to all Castle Point Tenants and Leaseholders (and their households) and other residents who Housing Landlord Services come into contact with in its role as Landlord.

## **2. Policy Statement**

- 2.1 CPBC are committed to working in partnership with our customers and other agencies to prevent and tackle anti-social behaviour in order to develop safer and stronger communities.

We aim to:

- Prevent anti-social behaviour using a variety of tools and powers and social interventions, including clear communication of our expectations
- To raise awareness amongst residents, staff and other relevant stakeholders of the tools and powers available to tackle ASB
- To assess the vulnerability of the complainant at the earliest opportunity and prioritise cases based on a harm centred approach
- Deal promptly, proportionately, objectively and sensitively with reports of anti-social behaviour by using a partnership approach and supporting complainants
- Work with alleged perpetrators to change their behaviour where possible, seeking possession as a last resort
- Promote Tenancy Sustainment for both alleged perpetrators and victims
- The Housing Management Anti-Social Behaviour Policy will work alongside the Castle Point Borough Council Corporate Anti-Social Behaviour Policy.

### 3. Context

#### Definition

- 3.1 The Housing Act 1996 as amended sets out the following definitions of anti-social behaviour in the context of applying for an injunction:

*a) Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to, or affects, the housing management functions of a relevant landlord.*

*b) Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.*

Section 2 (1) of the Anti-Social Behaviour Crime and Policing Act 2014 sets out the meaning of Anti-Social Behaviour as:

*a) Conduct has caused or is likely to cause harassment, alarm or distress to any person;*

*b) Conduct capable of causing a nuisance or annoyance to a person in relation to that person's occupation of a residential premises or;*

*c) Conduct capable of causing housing related nuisance or annoyance to any person.*

Section 2 (1) (b) applies only where the Injunction under Section 1 is applied for by a Housing Provider, Local Authority or Chief of Police, however, these definitions can be used more broadly as well in the definition of anti-social behaviour that we can take action against as a social landlord.

- 3.2 The term anti-social behaviour is used to describe actions that unreasonably interfere with an occupiers use of their home, garden or neighbourhood. CPBC work to improve people's life chances by providing homes and reliable services to customers helping to build sustainable communities where people want to live and work.
- 3.3 The Housing Management function of the landlord covers any activity that the landlord would undertake in the day to day and strategic management of their properties.

#### Legislation

CPBC will comply with and use the following legislation as part of our anti-social behaviour approach:

- **Anti-Social Behaviour Crime and Policing Act 2014** which makes provision for tackling anti-social behaviour, including provision for recovery of possession
- **Housing Act 1985, 1988 and 2004** which set out tenancy rights and responsibilities, providing remedies to deal with problems of anti-social behaviour

- **Anti-Social Behaviour Act 2003** which requires us to prepare and publish statements of our policies and procedures on anti-social behaviour and builds on the provisions in the 1996 Housing Act around anti-social behaviour injunctions, demoted tenancies and possession on anti-social behaviour grounds
- **Family Law Act 1996, Protection from Harassment Act 1997 and Domestic Violence, Crime and Victims Act 2004** which legislate specifically around harassment and domestic abuse
- **Public Order Act 1986, Crime and Disorder Act 1998, Criminal Justice and Police Act 2001, Police Reform Act 2002, Violent Crime Reduction Act 2006 and the Police and Justice Act 2006** which set out provisions for combating crime and disorder, including penalties that can be applied, parenting orders and anti-social behaviour orders
- **Environmental Protection Act 1990, Noise and Statutory Nuisance Act 1993, Noise Act 1996 and the Clean Neighbourhoods and Environments Act 2005** which cover action that can be taken to deal with noise nuisance, littering, fly tipping and control of dogs
- **Homelessness Act 2002** which governs the conditions under which possession may or may not be sought
- **Data Protection Act 1996** which sets out principles about the use and sharing of personal information covered by the Act
- **Disability Discrimination Act 1995 and 2005** which requires us to ensure that in dealing with allegations of anti-social behaviour we do not discriminate against an individual because of a disability that they have
- **Race Relations Act 1976 and 2000** which requires us to ensure that we do not discriminate against an individual because of their race
- **Equality Act 2010** which legally protects people from discrimination in the workplace and in wider society
- **Regulation of Investigatory Powers Act 2000** which regulates the interception of communications, the acquisition and disclosure of communication data, the carrying of covert surveillance in private premises and vehicles or in public places but likely to obtain private information about a particular person.

#### **Key Links to other Policies**

Data Protection Policy

Corporate ASB Policy

Lone Working Policy

Person Alert and Caution Policy

Tenancy Policy

Allocation Policy

## **4. Categorising Anti-Social Behaviour**

4.1 CPBC has adopted the Housemark categories of ASB to enable effective benchmarking with other Housing organisations as listed below:

- Noise

- Verbal abuse / Harassment / Intimidation / Threatening behaviour
- Hate related incidents
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs / Substance misuse / Drug dealing
- Alcohol related
- Domestic abuse
- Physical violence (other than DA)
- Litter / Rubbish / Fly-tipping
- Garden nuisance
- Misuse of communal areas / loitering
- Prostitution
- Criminal behaviour

4.2 Not all reports relating to behaviour that impacts on an individual can be deemed anti-social behaviour or a statutory nuisance. The following are some examples, though not exhaustible, of behaviour which in isolation cannot be deemed anti-social behaviour:

- Children playing
- Babies crying
- Sounds of day to day living such as opening and closing of doors or going up and down stairs, vacuuming and washing machine noises
- One-off parties such as birthdays providing they don't cause an unacceptable disturbance
- Personal differences such as staring, dirty looks or fall outs between children and adults
- Clashes of lifestyle, including cultural differences
- Comments made on Social Media sites
- Parking in front of driveways or in incorrect bays

CPBC would expect residents to be aware that it is important that tolerance and respect is given to other cultures, lifestyles and circumstances.

4.3 CPBC will work to manage customers expectations in regard to issues not classed as anti-social behaviour. We will give general advice and guidance to encourage the customer to deal with or manage the issue themselves.

4.4 Anonymous complaints will be logged but no action will be taken unless the report can be substantiated and further evidence provided.

4.5 Counter allegations will be logged as separate cases and appropriate action will be taken based on the evidence available.

4.6 Incidents of anti-social behaviour may have an impact on further services provided by CPBC including:

- Fixed Term Tenancy review decisions
- Refusal of Mutual Exchanges

- Cancelling of Transfer applications
- Exclusion from refurbishment work programmes

## 5. Anti-Social Behaviour Objectives

5.1 CPBC will, following reports of alleged anti-social behaviour, act appropriately and proportionately.

5.2 CPBC will:

- Acknowledge all ASB complaints within 5 working days
- Agree an action plan with each complainant highlighting what initial action CPBC will carry out and what action the complainant would need to carry out
- Agree a timescale on keeping the complainant informed of the ongoing case
- Contact the complainant before closing any cases
- Take steps to prevent all forms of anti-social behaviour and take appropriate action in accordance with legislation and good practice including using:
  - Mediation
  - Noise Monitoring Equipment
  - Acceptable Behaviour Contracts
  - Legal Notices
  - Demotion of tenancy
  - Eviction
- Offer support to complainants
- Offer support to alleged perpetrators
- Promote tenancy sustainment by working with partner agencies
- Carry out any early intervention measures
- Share information with partner agencies as allowed within data protection legislation
- Take effective and proportionate action against those responsible for anti-social behaviour working with our partners
- Raise awareness of any community initiatives
- Attempt to undertake an anti-social behaviour survey with all closed cases where there is a named complainant

## 6. Tenants Responsibilities

6.1 Tenants are expected:

- Not to cause or allow members of the tenant's household, visitors or any other persons to cause a nuisance or annoyance to neighbours or anyone in the local area
- Not to use the property for any criminal, illegal or immoral purpose
- Not to threaten to commit, or allow members of the tenant's household or visitors to threaten to commit, any form of harassment on the grounds of race, colour, religion, gender, sexual orientation or disability which may interfere with the peace and comfort



of or cause offence to any other person (including other members of the household, neighbours, anyone living in the local area, Council staff, contractors working on behalf of the Council or Councillors)

- Not to threaten or commit violence or allow members of the tenant's household or visitors to threaten or commit violence towards any other person (including other members of the household) neighbours, anyone living in the local area, Council staff, contractors working on behalf of the Council or Councillors
- Not to be, or allow members of the tenant's household or visitors to be, aggressive, threatening, verbally abusive, or use intimidating behaviour when interacting with Council staff or contractors working on behalf of the Council or Councillors
- Anti-Social Behaviour included as detailed in 4.1

6.2 Leaseholders and any of their sublet tenants are also covered by this policy and are expected to refrain from acts of anti-social behaviour.

6.3 CPBC may seek possession if the tenant or a person residing in or visiting the premises is convicted of an indictable offence, committed in or in the locality of the premises, or using the premises, or allowing them to be used, for immoral/illegal purposes.

6.4 In addition to the legal responsibilities set out in the tenancy or lease agreement CPBC will encourage all residents to:

- Take responsibility for minor personal disputes with their neighbours and try to resolve any such problems in a reasonable manner
- Report all crimes, including threats or acts of violence, to the Police
- Respect others chosen lifestyle and be tolerant of everyday living including noises and smells
- Work and cooperate fully to resolve disputes by attending mediation, providing diary sheets/witness statements and attending court if necessary
- Provide contact details, name, telephone number, email address so that further contact and updates can be provided during the case

## **7. Partnership Working**

7.1 CPBC will adopt a multi-agency approach to tackling anti-social behaviour to benefit from sharing of expertise, good practice, information and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues.

- 7.2 We will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report anti-social behaviour, witnesses and perpetrators' and to manage behaviour.

## **8. Protection of Staff**

- 8.1 CPBC acknowledges that our staff, and contractors are entitled to expect to work in an environment that is safe, secure and free from fear of violence, threats of violence or abuse. As such any behaviour of this nature directed at staff, or contractors is deemed to be unacceptable and appropriate and proportionate action will be taken against those responsible.

## **9. Monitoring**

- 9.1 ASB cases will be monitored on a local level.
- 9.2 CPBC will use satisfaction surveys and tenants views to improve our service.
- 9.3 Anti-social behaviour will be monitored against Key Performance Indicators (KPIs).
- 9.4 This policy will be monitored by the Housing Management Team Leader who will review this policy periodically as set out above capturing, customer feedback and legislative changes to inform this review.

## **10. Accessibility of information/Publication**

This policy is available on Castle Point Borough Councils' website and will be made available on request. There may be a reasonable charge for this service.