

HOUSING ANTI-SOCIAL BEHAVIOUR

POLICY

April 2024

Tendring
District Council



HOUSING ANTI-SOCIAL BEHAVIOUR POLICY

Introduction

Tendring District Council believes that no one should have to experience anti-social behaviour (ASB). This policy sets out how we will meet our duty to respond to ASB affecting tenants, leaseholders, and neighbours of homes we manage, by outlining the activities and responsibilities involved in our handling of reports in accordance with legislation and guidance.

This policy also provides an ongoing commitment to tackle ASB by ensuring that, with our colleagues and partners, we provide a co-ordinated and comprehensive approach using appropriate tools and powers to deliver an effective service across the community. We will ensure that all reports of ASB are treated seriously and addressed firmly, fairly and proportionately as part of the delivery of an effective value for money service across the community to meet the demands and expectations of our customers.

Purpose of this Policy

This policy sets out Tendring District Council's Housing Service approach to dealing with ASB, the principles that shape it and ensures that when our customers report a problem, we recognise the importance of addressing it. We are committed to making our communities safer places to live, free from serious nuisance and ASB and ensuring there is no detrimental effect to quality of life.

We remain focused on providing an excellent level of housing management that allows residents to enjoy their lives without negatively impacting on others or being affected themselves by their neighbours. We want to work closely with residents to create communities where people want to live and to ensure that, with our colleagues and partners, we provide a co-ordinated and comprehensive approach that delivers our customers an effective service.

Policy aims:

We aim to:

- Take firm action against any person found responsible for ASB where it is affecting land or property that we manage.
- Use a wide range of preventative and diversionary activities to provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to us.
- Work in partnership with the Police and other relevant organisations to deter and tackle ASB and hate incidents in the neighbourhoods where we provide social housing.
- Enable ASB and hate incidents to be reported easily and keep tenants, leaseholders and any other victims informed about the progress of their case.
- Supporting tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance.

- Record our rationale in accordance with the Public Sector Equality Duty (s.149 of the Equality Act 2010).
- Promote our policy, raise awareness, and publicise successful cases.
- Provide clear information to victims, witnesses, perpetrators, and alleged perpetrators.
- Work with or signpost perpetrators to appropriate agencies to change their behaviour and minimise reoffending/enforcement action.
- We will collate ASB cases relative to our size as a landlord by calculating the number of ASB and hate incidents opened per 1,000 homes.

Scope of Policy

As a Social Landlord we have a duty to respond to ASB affecting properties, land and assets that we own or manage. This policy informs Council tenants and other residents what ASB is and sets out the guiding principles for those officers who handle the ASB. It outlines what we want our services to achieve for people experiencing ASB and sets out the principles of level and quality we aim to provide.

What is anti-social behaviour

ASB is defined, as *“Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”* (The Anti-social Behaviour, Crime and Policing Act 2014). ASB is further defined, under this Act, as follows:

- For the purposes of an application to the courts by a housing provider, Local Authority or the Police for a Civil Injunction: *“Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”*.
- Directly or indirectly relates to or affects the housing management functions of a housing provider or Local Authority: *“Conduct capable of causing housing related nuisance or annoyance to any person”. “Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”*. (Anti-social Behaviour Act 2003, Anti Social Behaviour, Crime and Policing Act 2014)
- For the purposes of ASB case reviews (the Community Trigger): *“behaviour causing harassment, alarm or distress to members or any member of the public”*.

Examples of ASB include:

- Noise nuisance,
- Intimidation and harassment (threats and physical attacks),
- Hate Incidents
- Using our property in connection with an illegal activity

- Alcohol or substance abuse,

This list is not exhaustive and other types of behaviour may be classed as ASB and trigger action by us or another agency.

Tenant responsibilities

We will enforce the obligations of our tenancy agreement which outlines that tenants must:

- Not use the property, its communal areas, any neighbouring areas or any garage for any illegal purpose.
- Be responsible for the behaviour of all people, including children, who live in or visit the property in communal areas (stairs, entrance halls, gardens and parking areas) and in the locality (play areas, streets, community buildings and facilities and all other council estates in Tendring).
- Not cause or allow anyone living in or visiting the property to cause, or to act in a way likely to cause a nuisance, annoyance or disturbance to anyone.
- Not cause or allow those living in or visiting the property to do anything that could harass neighbours or anyone in the locality, including employees, agents and contractors for whatever reason. This includes harassment on the grounds of race, colour, ethnic origin, nationality, gender, sexual orientation, disability, age, religious, political or other belief that may interfere with their peace, comfort and convenience or cause offence.
- Not use threatening behaviour, violence or abuse (psychological, physical sexual, financial or emotional) against any other person lawfully entitled to live in the property.
- Not use violence, threats or intimidation towards any person to try to remove them from the tenancy or cause them to leave.

Leaseholder responsibilities

Leaseholders have restrictions imposed in respect of the use of their premises and whilst individual leases vary, they commonly detail that the property is not to be used for any purpose that is illegal or immoral, or from which a nuisance can arise to any other person or property in the neighbourhood.

Reporting ASB

We will encourage people to report ASB and make it possible for them to do this using a range of methods including verbally, in writing, online or via a third party (e.g. elected representatives or partnership agencies). All ASB reports will be treated seriously, addressed firmly, fairly, and proportionately.

However, we are not an emergency response service, the Police are the lead response and investigatory service for criminal offences, so incidents where there is an immediate risk of harm to person or property, criminality, or the fear of violence must be reported to the Police

or other appropriate emergency service. The Council work closely with the Police and will consider criminal behaviours when investigating an ASB case or hate incident.

Hate incident.

A hate incident is *“any criminal offence which is perceived by the victim, or any other person, to be motivated by hostility or prejudice based on a person’s actual or perceived race, religion/faith, sexual orientation, disability, or transgender identity”*.

- Race (e.g. skin colour, ethnicity, citizenship).
- Religion (e.g. faith, atheism, targeting religious premises).
- Sexual orientation (e.g. gay, bisexual, pansexual).
- Transgender identity (e.g. transgender, agender, demi-gender).
- Disability (e.g. learning needs, mental health, physical impairment).

Hate incidents can take many forms:

- Physical attack, damage to property, offensive graffiti, arson.
- Threat of attack, offensive letters or e-mails, abusive phone calls, offensive leaflets, posters and malicious complaints.
- Verbal abuse, insults, intimidation, abusive gestures, bullying at school or in the workplace.

We encourage victims of hate incidents, or those that know of someone who is, to report it. We will work alongside agencies including the Police, Victim Support, HIRC (Hate Crime Incident Reporting Centre), Community Safety Partnership and Outhouse East to investigate and help resolve any hate incident. We will also supply the ‘Stop Hate Crime’ information that offers further help and support.

The Housing Team provides a variety of ways for tenants to report ASB and Hate Crime:

- By emailing housingASB@tendringdc.gov.uk
- Online [Tendring District Council | Hate crime \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk/hate-crime)
- Telephone: 01255 686488
- In person at our Reception, Council Offices, 88-90 Pier Avenue, Clacton which is open Monday, Tuesday and Wednesdays between 10am and 1pm
- To Council officers, support workers or carers using any of the methods above. □ You can contact your local councillors to ask them questions about what’s happening in your area or to share a concern.

Handling complaints of ASB

We will:

- Register each case, give it a unique reference number and a named case officer.

- Set out an initial plan of action
- We will acknowledge and respond to complaints in writing within 10 working days (or in appropriate cases by telephone within 24 hours). We will also carry out a Risk Assessment which will identify a response timescale in accordance with the following priorities:
 - For serious behaviour, hate incidents or where there is considered to be an immediate threat of violence or major disorder – within 1 working day.
 - For behaviour of a serious nature affecting more than one other property or having serious impact upon an individual tenant – within 7 working days.
 - For less serious behaviour amounting to neighbour or general nuisance – within 14 working days.
 - For other less serious behaviour or minor breaches of the tenancy agreement that require officer intervention – within 21 working days
- We will:**
 - Inform complainants how we intend to deal with their report of ASB or a hate incident and tell them of the measures that are available to resolve their complaint and provide a realistic expectation of the likely outcome.
 - Complete a Risk Assessment.
 - Investigate the report, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses.
 - Investigate the circumstances and seek to understand all the facts of any reports.
 - Ensure cases are not open longer than is deemed necessary and inform the complainant of progress at appropriate stages in the investigation.
 - Explain our reasons should we choose to take no further action on a report of ASB and advise on self-help or other alternative courses of action including private legal proceedings whenever it is possible and appropriate to do this.
 - Continue to treat all reports as live until, in the opinion of the lead officer, they can be closed and the complainant notified.
 - Take any necessary early action to protect people and property.
 - Take formal action when the ASB is serious or persistent or when it threatens individuals' health and safety.
 - Consider and adjust our approach as necessary when a victim or a perpetrator is a vulnerable person.
 - With the consent of those people involved, refer suitable cases to mediation.
 - Respond promptly to complaints about our service and advise anyone not satisfied with the way in which their report was handled as to how to make a formal complaint via the Tendring District Council Housing Complaints Procedure.

- Provide a mechanism for victims of ASB to ask for a review of their case where they feel that either no action or inadequate action has taken place to tackle the reported problem (the Community Trigger).
- Participate in permanent or ad-hoc multi-agency groups dealing with specific ASB issues.
- Ensure that staff dealing with ASB are qualified, trained, understand and follow agreed policies and procedures.
- Use all available and appropriate legal tools and powers to address and resolve ASB but seek to always resolve cases at the lowest level of intervention.

Prevention and Early Interventions

We will use prevention and early intervention measures:

- **Acceptable Behaviour Contract (ABC):** An ABC is a voluntary written agreement between the individual committing ASB (and their parent/carer if they are under 18), the Council and the Police and although not legally binding, can be used as evidence of non-compliance if breached. The contract is a promise that the individual will not carry out certain acts which could be seen as anti-social and may include support for the individual in tackling their behaviour. The contract terms will be agreed with the individual through face-to-face meetings at which behaviours are discussed and their impact recognised. It is not always necessary to use an ABC before taking other action (e.g. where the behaviour is very serious) but it is a step that would be considered in most cases.
- **Parenting Contracts:** In some cases, it may be appropriate for a parent to enter into a Parenting Contract where the parent agrees to certain measures to try and stop the ASB being caused by their child.
- **Good Neighbour Agreements:** An agreement made within a block or estate to commit to being neighbourly to ensure that each resident is aware of the expectations from their community.
- **Early referrals:** To ensure that an early referral for support is made when a resident is requiring help. Examples include hoarding, addictions, mental health or physical disability and referrals may be made to support agencies such as Social Care, mental health, drug and alcohol support services.
- **Mediation:** Mediation is a safe and supportive process we recommend to settle disputes between neighbours or two or more people. It involves appointing a mediator, who is an independent and impartial third person, to help the parties talk through the issues, negotiate, and come to a mutually agreeable solution. Mediation is usually much quicker and much less expensive than going to Court, so it can be a more efficient way of resolving disagreements and allow everyone to move on from the problem sooner.
- **Community Action Days:** The opportunity for local people to feel empowered to tackle issues that matter to them and deliver noticeable improvements to their neighbourhood. Working alongside partners can help deliver long-lasting improvements and inspire many more people to have pride in where they live.

- Tenant Engagement: The levels of involvement that we aim to provide will include:
 - Provision of information - where we send a letter or other means of correspondence to let our residents know what is planned.
 - Consultation - where we ask for our residents views and comments and take these into account before making a decision.
 - Participation - where decisions are made jointly.
 - Co-regulation - monitoring performance and promoting transparency.

Enforcement options

Whilst we will aim to resolve cases at the lowest level of intervention, enforcement options available to us include (but are not limited to):

- **Civil Injunction.** An injunction is a court order prohibiting a person from committing certain acts. If any injunction is breached, this could be considered as contempt of Court, and the Council can apply for this contempt to be punished by a fine or committal to prison. It may also be possible to obtain a power of arrest and exclusion zone (including exclusion from someone's home), as part of the injunction if the individual has used or threatened violence or there is a significant risk of harm to others. In very serious cases it may be possible to apply for an injunction without telling the perpetrator that the Council is applying to Court for an order.
- **Community Protection Notice (CPN):** To stop a person aged 16 or over, business or organisation committing ASB which spoils the community's quality of life. Council Officers, Police Officers and other designated Officers can issue a CPN. The test is that the behaviour has to have a detrimental effect of the quality of life of those in the locality, be of a persistent or continuing nature and be unreasonable. A warning is issued first informing the perpetrator of the problem behaviour, requesting them to stop, and the consequences of continuing. A CPN (Notice) will be issued including a requirement to stop things, do things or take reasonable steps to avoid further ASB. This can allow Councils to carry out works in default on behalf of a perpetrator. Breach of the CPN is a criminal offence. A fixed penalty notice can be issued of up to £100 if appropriate. A fine of up to level 4 (for individuals) or £20,000 for a business.
- **Closure Power:** To allow the police or Council to quickly close premises which are being used, or likely to be used to commit nuisance or disorder. Power to close premises for up to 48 hours out of Court (Closure Notice) or up to 6 months via the Court (Closure Order).
- **Possession Proceedings:** We may ask the Court to end the tenancy. The procedure that we follow in connection with possession proceedings will depend upon the type of tenancy. We currently offer Introductory, Secure and Non-Secure Tenancies. Copies of the different tenancies are available on our website, via email or in person at our Reception, Council Offices, 88-90 Pier Avenue, Clacton which is open Monday, Tuesday and Wednesdays between 10am and 1pm
- **Mandatory possession:** A power which offers protection and faster relief to victims by quickly evicting the most anti-social tenants. We can apply for it on one of our properties where ASB is causing nuisance or disorder such as noisy premises, environmental pollution, drug/alcohol related ASB.

When dealing with incidents of ASB, the needs of the wider community will always be of paramount concern. If we have been unable to resolve incidents with less formal responses or these actions would be inappropriate, we will seek to resolve the problem by taking enforcement action. If the urgent protection of the complainant or other member(s) of the public is required, we will consider legal action as the first option. Consideration will always be given to issues such as disability, mental health problems or drug and alcohol abuse on the part of the alleged perpetrators. Where these matters are identified, the intervention and support of relevant partner agencies will be sought. The need to contribute to the active rehabilitation of those convicted of ASB offences to prevent recurrence is also recognised, and we will support and cooperate with appropriate partner agencies to maximise the potential to try and change behaviours.

Partnership working

We play a lead role in the Community Safety Partnership which brings together local partners to formulate and deliver strategies to tackle crime and disorder in their communities. We will participate in relevant strategic or preventative initiatives and work with partners to provide professional advice and support as required, so that we can act confidently to prevent or tackle ASB.

Safeguarding

Concerns for children, young people and vulnerable adults will be handled in line with Tendring District Councils Safeguarding Policy which sets out how the officers should respond to a report of abuse or neglect to a child, young person, or adult with unmet care and support needs. It is not uncommon for safeguarding concerns to arise at the initial report stage or during an ASB investigation. The requirements of the Safeguarding Policy take primacy over this policy.

How we will monitor the success of our ASB service?

We will gain customer feedback through surveys of users of the ASB service to rate their satisfaction with the service, act on any negative feedback and to improve our service.

Complaints Procedure

The [Council's Housing Complaints Policy](#) is available to any resident who is dissatisfied with the handling of their issue.

General Data Protection Regulations

All reports of ASB that include identifiable personal information will be processed in accordance with the requirements of the Data Protection Act 2018 and the UK General Data Protection Regulations. We will only disclose or share personal information where we are required to do so by law or where a lawful exemption applies; for example, for the purposes of a prosecution, a safeguarding concern, where it is in the public interest or with the person's consent. Personal information is processed by Tendring District Council for a number of purposes. These can be found in the Privacy Notices which are available on the Council's website at www.tendringdc.gov.uk/privacy or on request at our public reception areas.

Equalities Statement

The Council is committed to treating all customers fairly and with respect and professionalism. To this end the Council will ensure that no individual is discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including political opinions), sex or sexual orientation and that, in the application of this Housing Anti-Social Behaviour Policy, the Council will comply with their duties under the Equality Act 2010 and specifically our Public Sector Equality Duty (Section 149) under which a public authority must work consciously to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics. To enable customers to have clear information and equal access to our ASB service information will be made available in a range of appropriate languages and formats, when requested.

Legal and regulatory context

This Policy fulfils the requirements of Section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) with regard to the publication of anti-social behaviour procedures by a Local Authority Landlord and The Anti-Social Behaviour, Crime and Policing Act 2014 which provides Social Housing providers and partners with a range of powers to tackle ASB. This policy is compliant with the Regulator of Social Housing's Safety and Quality Consumer Standards published on 1 April 2024:

References

General Data Protection Regulations 2018
ASB Crime and Policing Act 2014
Equalities Act/Public Sector Equality Duty 2010
Malicious Communications Act 2007
Freedom of information Act 2005
Mental Health Act 2005
Homelessness Act 2002
Crime and Disorder Act 1998
Human Rights Act 1998
Local Government Act 1997
Protection from Harassment Act 1997
Environmental Protection Act 1990
Children's Act 1989
Public Order Act 1986
Regulator of Social Housing Safety and Quality Consumer Standards 2024
Section 4A Public Order Act 1986
Telecommunications Act 1984
Code of Practice for Social Landlords on Tackling Racial Harassment.

Related Documents

Tendring Council Introductory and Secure and Non-Secure Tenancy Agreement
Tendring Council Corporate Anti-Social Behaviour Policy
Tendring Council Housing Complaints Procedure

Review of policy

The policy will be reviewed every two years in consultation with tenant representatives, staff, Portfolio Holder for Housing and other stakeholders unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier.

