



Anti-Social Behaviour (ASB) Policy 2021

Tenant Services

Topping, Kevin

Last updated: March 2021

Next document review by: January 2024

Reviewed by: Kevin Topping – Head of Housing Services

Approved by: Housing Committee

1. Introduction	Page 3
2. Our Commitment	Page 3
3. The Housing White Paper	Page 5
4. What is Anti-Social Behaviour	Page 5
5. The Clients Obligation	Page 7
6. Reporting Anti-Social Behaviour	Page 7
7. ASB Investigation	Page 9
8. National Situation	Page 11
9. Vexatious Complaints	Page 11
10. Data Protection	Page 12
11. Monitoring Performance	Page 12

1. Introduction

Stroud District Council (SDC), is committed to working to make all housing estates and properties owned by SDC, to be places where people want to live safely, peacefully and in harmony both now and in the future. We recognise that people being and feeling safe in their home is important to how they feel about where they live.

Tackling Anti-Social Behaviour (ASB) and Nuisance is essential to achieving this outcome. We aim through this policy to prevent and reduce harm caused by ASB to individuals and communities.

The recent White Paper (see Sect 3) specifically requires providers of social housing to:

- Provide quality, safe environments free from crime & anti-social behaviour.
- Feel protected and empowered by a regulatory regime and a culture of transparency, accountability, decency and service befitting the intentions and traditions of social housing.

This policy is being updated to ensure SDC can to deliver these commitments and to work in partnership with its tenants and partner agencies to continually improve in order that tenants, neighbourhoods and communities are safe, sustainable and positive places to live and grow.

2.0 Our Commitment

We are committed to tackle ASB swiftly and effectively making use of legal powers where appropriate This policy's priorities are:

- To tackle ASB swiftly and effectively making use of legal powers where appropriate.
- To improve customer satisfaction with our response and management to complaints of ASB.
- Taking a solution focused approach to tackle ASB in a reasonable and proportionate manner.
- Tenant involvement and empowerment to influence standards, enforcement and the promotion of good practice in estate management.
- To maintain and improve strong working relationships with other agencies, including local neighbourhood police teams, Mental health teams, support services, Community Services and Health and Wellbeing teams.
- Repeated incidents of ASB across the district will be fed into the Community Safety Partnership to evaluate trends and identify positive actions to resolve ASB.
- To develop pro-active methods of working, committed to addressing both the underlying causes of ASB and the specific concerns within our communities including learning from others who are performing well in this field (Benchmarking).
- To reduce the re-offending of ASB within the same household.
- Support all tenants to sustain their tenancies.

This Policy applies to staff, tenants, leaseholders, tenants' representatives such as a family member, contractors, councillors, partners or agents that are subjected to abusive, threatening or intimidating behaviour (including hate behaviour) whilst working or acting on behalf of the Council.

What we will do

High risk ASB; (Ref S3)

Contact will be made with the complainant and perpetrator within 24 hours or the next working day if the incident is reported on a Friday or a Bank Holiday. Advice will be provided by the out of hours' officer to contact the Police directly if there is any threat to life.

All other ASB;

Contact will be made with the complainant and perpetrator within 5 working days. This will include reports made by the Police or other statutory or voluntary organisations.

The Council will determine if an ASB activity is occurring working closely with the complainant; advising how the ASB can be resolved. If at any stage of investigating the ASB complaint, the complainant rejects the options being given to resolve this matter, the ASB case may be closed.

Please note when general ASB is being reported, the Council will assess each complaint and work with the person or persons to establish a common sense, reasonable and proportionate solution.

Purpose of the Anti-Social Behaviour Policy

Stroud District Council has a critical leadership role supporting and encouraging strong communities for the best possible quality of life, so that all can live well together. We are committed to developing a sustainable, proactive and respected relationship with our communities. This will be reflected in how our services are organised and delivered and the two-way communication which works to meet the needs of all our communities and individuals who need our support.

The Council aims to ensure that its Tenants, Leaseholders and Shared Owners live peacefully in their homes, sustained communities and estates.

SDC is clear about the standard of behaviour it expects from its tenants; whether unintentional or deliberate, they must not commit, or allow their families to commit, acts of ASB towards other tenants or residents, people in the local area, or SDC staff, contractors or elected members in relation to any duties linked to the Council. If ASB takes place it may lead to actions being taken against them and or their tenancy.

This policy will ensure SDC offers relevant support and advice to Tenants, Shared Owners and Leaseholders, enabling them to understand their responsibilities regarding acceptable behaviour relating to themselves, their household and their visitors.

The policy will ensure SDC offers the appropriate levels of support to victims of Anti-Social Behaviour.

2.1 Scope

This includes:

- Behaviour by tenants, groups of tenants, members of their household or their visitors, which would generally be considered to cause annoyance, nuisance or disturbance to other people in the area.
- Tenants and residents who have been impacted by anti-social behaviour in their communities including conditions of gardens (e.g. of vehicles either fully constructed or dismantled and bulky items including white goods) and fly-tipping as a source of ASB.

The service is looking to expand its abilities to take further action with the use of Community Protection Notices (CPN's) in liaison with Community Services colleagues and legal Services colleagues.

3.0 The Housing White Paper

The Charter for Social Housing Residents sits at the heart of the Housing White paper and outlines seven key commitments that residents should expect from their landlords.

1. **To be safe in your home.** Government will work with industry and landlords to ensure every home is safe and secure.
2. **To know how your landlord is performing,** including on repairs, complaints, and safety, and how it spends its money, so you can hold it to account.
3. **To have your complaints dealt with promptly and fairly,** with access to a strong Ombudsman who will give you swift and fair redress when needed.
4. **To be treated with respect,** backed by a strong consumer Regulator, and improved consumer standards for tenants.
5. **To have your voice heard by your landlord,** for example through regular meetings, scrutiny panels or being on its Governance board (Housing Committee). The Government will provide help, if you want it to give you the tools to ensure your landlord listens.
6. **To have a good quality home and neighbourhood to live in,** with your landlord keeping your home in good repair.
7. **To be supported to take your first step to ownership,** so it is a ladder to other opportunities, should your circumstances allow.

4.0 What is Anti-Social Behaviour

ASB is defined under s105 of the Anti- Social Behaviour Crime and Police Act 2014 as:

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

Anti-Social Behaviour can cover a wide range of behaviours and activities. The Council takes the view that Anti-Social Behaviour are acts which interfere with a person or persons' peace, enjoyment and comfort. Including acts which cause a nuisance, annoyance, disturbance, harassment and or violence of one or more persons; this will include members of the same household and or their visitors including the locality of the property.

We define ASB in two categories – High or Low.

The following behaviours are examples of high risk of anti-social behaviour:

- Threat to life.
- Assault.
- Hate crime.
- Safeguarding matters including child neglect.
- Drug dealing and or substance misuse.

The above is not a definitive list - each complaint /allegation is considered on a case by case basis with reference to the nature and extent of the alleged ASB.

The following behaviours are examples of low risk anti-social behaviour:

- Graffiti and other forms of vandalism and damage (unless offensive, racist or identifying individuals in which case action is taken to remove within 4 hours following notification).
- Animal nuisance (fouling, pets out of control).
- Fly tipping (unless a health hazard then this would be escalated for action as soon as possible).
- General noise nuisance (if significant intervention from Health and Wellbeing colleagues may be required).

The above is not an exhaustive list.

a. Activity - Which is not Considered ASB

There are certain activities which the Council does not class as ASB, this is likely to include:

- Cooking smells.
- The use of unallocated parking spaces.
- Every day living noises.

- Home improvements being carried out at a reasonable time of the day and for a reasonable period of time.
- Children playing in their home or garden at reasonable times of the day.
- Normal vehicle noises.
- Babies crying.
- Dogs barking intermittently.

Please note the Council will expect the tenant to speak with their neighbour(s) on such matters in the first instance before making contact with Tenant Services, as these types of activity will not be investigated as ASB.

5.0 The Tenant's Obligation

Tenants and residents must comply with the terms of their contractual agreements and show due consideration to their neighbours, their household members and their visitors, and must not commit or allow the committing of any acts of ASB.

Where minor disputes exist between neighbours, as a general rule the Council would not intervene; The Council recognises that neighbours do not necessarily get on with each other but the expectation is, these relationships should be managed between the parties concerned.

To follow the advice given by the Council to resolve the ASB; if the tenant chooses not to follow the advice given, the ASB case will be closed.

The exception to this is where the issue is more serious, such as a hate crime, which can be classified as ASB and there is a defined victim and perpetrator.

6.0 Reporting anti-social behaviour

Victims and witnesses to acts of anti-social behaviour committed on our estates can report it to us:

- Reporting through the Council's website: www.stroud.gov.uk.
- In person by speaking to a member of staff directly (subject to any pandemic or arising restrictions).
- By telephone (subject to any pandemic or arising restrictions).
- Written correspondence.
- e-mail: housing.management@stroud.gov.uk
- Though a third party (e.g. friend, councillor or relative).
- In person at Ebley Mill Council office (office opening hours permitting and by appointment(s) only).

6.1 Assessing ASB

SDC will carry out a full assessment to determine whether an activity is ASB; this means tabulating behaviour, the impact of the behaviour and harm caused to the victim.

The Council will:

- Listen to and record every report of defined ASB.
- Provide an action plan to every victim of defined ASB.
- Provide regular updates to victims on a case management basis.
- Take the appropriate steps to investigate and address allegations of ASB in an expedient, joined up manner.
- Carry out a risk assessment(s) and or to notify the other relevant statutory or voluntary agencies if the ASB has been proven.

Please note due to the complexity of certain ASB cases, resolving these may take some time; the victim will be advised of this, as the case progresses.

The Council is committed to using a wide range of measures to prevent and tackle ASB by:

- Fully explaining the Tenancy Agreement to our new and existing tenants using plain English (or the preferred first language of the person where possible).
- Using a wide range of measures to address ASB including, mediation,
- referrals to a specialist support agencies informal interviews, formal warnings, Acceptable Behaviour Contracts.
- Using legal remedies including injunctions and possession.
- Being audited through the Community Trigger mechanism.

6.2 Community Trigger

A Community Trigger is a statutory requirement (ASB, Crime & Policing Act 2014) designed to provide an opportunity for victims of ASB to have their case independently reviewed. The Council has agreed to transfer the responsibility for the management of the Community Trigger to Restorative Gloucestershire.

Victims can activate the Community Trigger and instigate the Councils complaints procedure simultaneously.

The Community Trigger process is outlined in detail within the Gloucestershire Restorative Justice web site at www.restorativegloucestershire.co.uk

To instigate the Community Trigger, the tenant / complainant must:

- Have made three reports of ASB within 6 months.
- Have made five reports of ASB, involving the same location, culprit or problem from more than one individual or group of individuals within 6 months.
- Made an application of ASB within a reasonable time- allowing for time for action to have been taken.

The Community Trigger, is an audit of the ASB case to make sure SDC has followed their policies and put forward the reasonable resolutions to resolve the ASB. This is an independent review.

6.3 Working with Vulnerable Persons

When vulnerable persons are identified, there will be a coordinated multi agency framework of support (if required) approach, which will be considered and applied.

Where the support cannot be applied by the Council, a multi-agency meeting will be organised to discuss the case with the relevant partnering agencies ensuring the outcome for has the right level of support to be offered.

Where support is rejected by either the victim or the perpetrator the ASB case will be reviewed to assess whether the case should be continued or an alternative action or solution is required.

It is important that the complainant or perpetrator provide the Council with honest and up to date information about their health and wellbeing to allow Tenant Services to offer the most appropriate support package.

6.4 Alternative Accommodation

The Council acknowledges that complainants may request to be relocated from their existing accommodation; The Council will only consider these requests when provided with appropriate supporting evidence such as a Police report, evidenced threat to life or through an agreed multi agency meeting where the risk assessment, places the householder or their family in imminent danger. This approach is only taken in situations that are considered extreme and not the norm.

6.5 Request for No Action

The Council recognises complainants can make a request for no action and this will only be successful where:

- The request has been made at the early stages of investigation and limited parties have been contacted.
- If the reported ASB is not harmful to the complainant or the community.
- Third party endorsement is not required from a professional body.
- The risk identified in managing the ASB is reasonably low.

7.0 ASB Investigation

Every case of ASB received by the Council will be properly risk assessed and reasonable and proportionate action(s) taken. The level of action taken will depend on the degree of severity of the ASB and the risk this poses to the victim and to the wider community.

The victim of ASB will be given an Action Plan, detailing the actions to be taken to resolve the ASB with the appropriate review period.

There are three stages of action which will be considered, these are:

- Preventative,

- Informal,
- Formal legal action.

At each of these stages the perpetrator will always be given the option to cease the behaviour which is causing the ASB.

ASB investigations and the subsequent actions will be delivered within a framework of non-legal and legal actions. The cost of pursuing legal action; The Council will always make a request to the courts to award these against the perpetrator for payment.

If possession action is successful, the evicted parties are generally regarded as intentionally homeless. If these individuals approach the Council for assistance for re-housing advice, the appropriate support will be given but not generally to rehouse in our own stock.

The Council will consider the needs of both the victim and perpetrator at all stages of the ASB investigation.

7.1 Supporting Witnesses and Complainants

The Council recognises the appropriate support given to witnesses and complainants is crucial to carrying out a high quality investigation with the right outcome, which is to stop the ASB and where applicable, to learn from the experience.

To be able to do this the Council will:

- Assist and support in completing witness statements.
- Manage the ASB in line with its service standard and policy.
- Ensure witnesses and complainants are involved in managing the ASB.
- Keep the witnesses and complainants updated on the progress of their case.
- Arrange suitable support where required.
- Suitable support is given before and at court with any reasonable out of pocket expenses being reimbursed.
- Offer where appropriate practical measures to ensure the safety of the witnesses and complainants either within their home or other solutions.

Witnesses will be expected to provide witness statement(s) and attend any court hearing(s) to ensure a robust case is presented.

7.2 Multi Landlord Estates:

The Council will work in partnership with other landlords if the perpetrator is not a direct tenant of the Council. In these cases, it may not be the Council who will lead the investigation of ASB.

7.3 Partnership working

The Council will work with a wide variety of partners for support, consultation and action on ASB issues. Partners will support the Council to decide the most appropriate course of action in protecting victims against ASB.

7.4 Closing Cases

Our aim is to resolve all cases of ASB and we will close cases of ASB in the following circumstances:

- When we have successfully resolved the ASB in agreement with the complainant.
- the complaint has been investigated extensively and all options exhausted.
- There is no available evidence to support the allegations of ASB.
- When another agency is dealing with the case and no longer requires involvement by Stroud District Council.
- When the complainant fails to assist in providing evidence to our officers, and we cannot take further action.
- If we believe the ASB complaint to be vexatious.

All cases that have been closed will be confirmed in writing to the complainant outlining the reasons why the case is being closed.

7.5 Staff

SDC will not accept abusive behaviour or language against staff, Councillors or its contractors whilst investigating ASB. The appropriate action will be taken if this occurs.

In the management of ASB, SDC's staff will be appropriately trained to identify and investigate ASB reported cases; staff will be able to cope with sensitive and difficult circumstances. Staff dealing with ASB will continue to receive regular specialist training to assist them with the skills and knowledge required to effectively tackle ASB including safeguarding for both adults and children.

8.0 National situation

Where a national situation exists such as a pandemic, SDC will follow the guidance, legislation and the powers given to the Council or any other statutory body by central government. The actions taken will be appropriate to the situation such as:

- Communicating only by telephone.
- Sending out warning letters and text to tenants to cease the inappropriate behaviour.
- Corresponding by email.
- Carrying out risk assessments before a home visit can be scheduled.
- Making use of the appropriate technology such as mobile phones for video recordings.

9.0 Vexatious (unacceptable behaviour) Complaints

The Council takes ASB in all its forms seriously, and will investigate all cases of alleged ASB. However, should our investigation highlight that a vexatious complaint has been made against another resident, we will refer to our corporate unacceptable behaviour complaints policy and may consider further action. By definition in the Council's

unacceptable behaviour policy deems such actions as “unreasonable complainant behaviour” and “unreasonably persistent complaints”.

10.0 Data Protection

Tenant Services will share relevant information with third parties for the purposes of preventing, investigating and tackling anti-social behaviour. When sharing personal information, we will comply with all aspects of the GDPR and the DPA. Tenant Services Privacy Notice can be found on the Council’s website at <https://www.stroud.gov.uk/council-and-democracy/about-the-council/access-to-information/privacy-and-cookie-policy/privacy-notice> and the full legislation General Data Protection Regulation 2016, Data Protection Act 2018, Crime and Disorder Act 1998.

10.1 Confidentiality

Any information supplied to SDC to assist in the investigation of ASB will be taken in confidence and will only be shared to the appropriate relevant parties. SDC recognises that some victims will want to remain anonymous.

The complainant will always be advised on how the information or detail they have supplied will be used in resolving the ASB. There is a requirement for victims to co-operate with SDC to assist their investigation and any formal action taken supports a successful resolution.

10.2 Publicity

The Council will ensure the wider community is made aware of the successful resolution(s) on the work to prevent and tackle ASB through effective publicity but mindful that no personal data, names or addresses would be part of this activity.

The council will make sure its tenants understand what ASB is and how incidents of this can be reported; further information on this is, available on the SDC’s website. www.stroud.gov.uk.

SDC will decide where to publicise this information on a case by case basis, balancing the rights of the individual(s) and those of the community.

11.0 Monitoring Performance

We are committed to monitoring and improving our performance in managing and resolving ASB. Monitoring will include:

- Regular performance reporting (quarterly to scrutiny members and annually to tenants).
- Benchmarking our service with other local authorities.
- Reviewing customer experience using satisfaction surveys.

11.1 Reviews

This policy will be reviewed as the need arises through changes to legislation or regulation or no later than 3 years from its implementation date.

Where there has been a change in legislation which has an impact on the policy, the policy will be reviewed within 3 months of the legislation or regulation coming into effect.