

Housing

Anti-Social Behaviour Policy

October 2024 Teignbridge District Council



Document	Anti Social Behaviour Policy	
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Approval Route	Approval body/group	Council Executive Committee
Lead Officer	Name	Graham Davey
Change Dates	Date	Note

1. Purpose

- 1.1 The Housing Act 1996 requires social landlords to publish policies and procedures in relation to anti-social behaviour. This policy outlines to our customers, colleagues and other stakeholders how we will approach the management of anti-social behaviour relating to our homes.
- 1.2 This policy aims to prevent and reduce harm caused by anti-social behaviour to our customers and the communities they live in.

2. Definitions & Scope

- 2.1 We adopt the definition of anti-social behaviour (ASB) provided in the Anti-Social Behaviour, Crime and Policy Act 2014:
 - Conduct that has caused or is likely to cause harassment, alarm or distress to any person, or
 - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises, or
 - Conduct capable of causing housing-related nuisance or annoyance to any person.

Examples of incidents that may be considered anti-social behaviour are provided at **Appendix 1**.

- 2.2 Behaviour that results from different lifestyles, or which would not be considered unreasonable by most people is **not** ASB. Examples of this might include the following, (which is not an exhaustive list)
 - Lifestyle clashes
 - Children playing or youths innocently congregating
 - Ball games
 - Parking disputes
 - One off party
 - Reasonable living noise such as lawn mowing, household DIY, hoovering, toilets flushing, doors banging, noise from household appliances, cooking smells
- 2.3 This policy relates only to our landlord responsibilities and applies to anyone living in or visiting a property owned or managed by us.

3. Legal and Regulatory Requirements

- 3.1 This policy fulfils the requirements of section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) that requires all social landlords to publish their policy and approach to managing anti-social behaviour.¹
- 3.2 This policy also recognises our duties as defined in the Crime and Policing Act 2014 (Section 12).² The Act provides local authorities, social housing providers and partners with a range of powers to tackle anti-social behaviour and introduces the Case Review (or Community Trigger) for victims of anti-social behaviour.
- 3.3 The Social Housing Regulation Act 2023 extends the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants.³
- 3.4 Under the Neighbourhood and Community Standard,⁴ The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes.

Registered providers are required to publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour. In addition, registered providers must:

- have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.
- clearly set out their approach for how they deter, and tackle hate incidents in neighbourhoods where they provide social housing.
- enable ASB and hate incidents to be reported easily and keep tenants informed about the progress of their case.
- 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 them.

¹ Legislation.gov.uk, *Housing Act 1996*, <https://www.legislation.gov.uk/ukpga/1996/52/contents>, and *Anti-Social Behaviour Act 2003*, <https://www.legislation.gov.uk/ukpga/2003/38/contents>, accessed April 2024.

² *Crime and Policing Act 2014*, <https://www.legislation.gov.uk/ukpga/2003/38/contents>, accessed April 2024.

³ *Social Housing Regulation Act 2023*, <https://www.legislation.gov.uk/ukpga/2023/36/contents>, accessed April 2024.

⁴ Regulator of Social Housing, *Consumer Standards: Neighbourhood and Community*, April 2024, <https://www.gov.uk/government/publications/neighbourhood-and-community-standard>, accessed April 2024.

- support tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance.

3.5 Teignbridge District Council also has wider powers to deal with anti-social behaviour in the wider community. This policy complements the statutory duties of Teignbridge District Council under the Crime and Disorder Act 1988, which places a legal duty on local authorities to work in partnership with other agencies to tackle crime and disorder priorities across all tenures.

4. Policy

4.1 We recognise that everyone has the right to live in the way they want as long as it does not unlawfully spoil the quality of life of others or breach the terms of their tenancy agreement.

Tenant Responsibilities

4.2 Our relationship with our tenants is a two-way process with responsibility on both sides. We ask that our tenants take responsibility, with our support if needed, for looking after their home and respecting their neighbours, their community and our staff and contractors.

4.3 We encourage our residents to be tolerant of other people's lifestyles and to be understanding of differences. Behaviour that results from different lifestyles, or which would not be considered unreasonable by most people is not anti-social behaviour. Where we believe the behaviour does not constitute anti-social behaviour, advice will be given to support residents to decide a course of action to resolve matters between themselves.

Prevention

4.4 We aim to prevent anti-social behaviour from happening through the following approaches:

- We will apply the allocations policy appropriately to ensure the relevant tenancy checks are made before a tenancy starts, and to let our homes sensitively where necessary.
- We may refuse applicants who have a history of serious anti-social behaviour within the last two years, in line with our Allocation Policy.
- We will make sure all new customers are made aware of their rights and responsibilities at the start of their tenancy and encourage considerate behaviour for other neighbours.

- We will use Starter Tenancies to promote positive behaviour during the probationary period of a tenancy.
- We will apply our Estate Management policies at the earliest opportunity to prevent escalation of issues into anti-social behaviour complaints.
- We will work closely with partner agencies and colleagues to refer or signpost customers with identified support needs as required.
- Where appropriate, we may host introductory events at new developments to promote a sense of shared community and responsibility.

Reporting Anti-Social Behaviour

- 4.5 We will actively publicise our commitment to tackling anti-social behaviour through our website and in communications to customers, to encourage early reports of incidents.
- 4.6 We recognise that anti-social behaviour can have a detrimental impact on the quality of people's lives. We also understand that reporting incidents can be a daunting prospect that victims may be reluctant to pursue. We therefore aim to make the process of reporting incidents and gathering evidence as straightforward as possible.
- 4.7 We will support complainants through the process where we can, which may include through the following means:
- Arranging interpreters
 - Making referrals to support services
 - Accessing noise monitoring equipment
 - Accompanying those attending court to give evidence and arranging practical support as required.
- 4.8 We will not generally investigate anonymous reports unless there is clear evidence of anti-social behaviour occurring and an immediate risk to others. To investigate reports, we rely on evidence supplied by complainants and witnesses. We cannot take action where no evidence or corroboration is available.
- 4.9 All information received will be treated as personal information under the General Data Protection Regulations 2018 and will not be disclosed to another party unless for such purposes as prosecution, a safeguarding concern, where it is in the public interest, or with the person's consent.
- 4.10 We may share information with other organisations for the prevention or detection of crime or disorder, in accordance with data protection law and appropriate data sharing protocols.

How we Manage Cases of Anti-Social Behaviour

- 4.11 We support the anti-social behaviour principles developed by the UK Anti-Social Behaviour Strategic Board,⁵ and will apply them as far as possible to ensure consistent approaches are taken to understand and address anti-social behaviour in local communities.
- 4.12 When we receive a report of anti-social behaviour, we will take a customer-focussed approach and work together with the complainant to agree actions and conclude a case within reasonable timescales.
- 4.13 We will investigate all reports fairly, impartially and promptly.
- 4.14 We will be clear with the customer about what they can and cannot expect from us and ensure that we consistently manage expectations in terms of our available options to respond to reports of anti-social behaviour.
- 4.15 We will investigate reports of anti-social behaviour, evaluate the evidence available, and work with complainants to develop an appropriate action plan.
- 4.16 We will engage with customers to try to resolve issues through early intervention or mediation and be clear with them that formal legal enforcement action is always considered as the last resort.
- 4.17 We will ensure that alleged perpetrators of anti-social behaviour are aware of the consequences of their actions, attempt to identify support needs (where appropriate), and introduce 'positive requirements' where possible to ensure perpetrators of anti-social behaviour work with us to manage their behaviour and conduct and to resolve matters where possible.
- 4.18 We will work collaboratively with key partner agencies, including the Police, Social Services, other housing providers, other colleagues across the local

⁵ Home Office, *Guidance: Anti-Social Behaviour Principles*, updated March 2023, <https://www.gov.uk/government/publications/anti-social-behaviour-principles/anti-social-behaviour-principles>, accessed April 2024.

authority and residents to respond effectively and to use the full range of tools available to us.

- 4.19 The range of approaches we might use are included at **Appendix 2**.
- 4.20 Legal action will take into account an alleged perpetrator's capacity as well as any issues raised under the Equality Act 2010 and will only be taken once a proportionality assessment has been concluded.⁶
- 4.21 We will ensure that appropriate training is provided to Officers, including regular refresher training, so that our staff are equipped with the necessary skills and knowledge to manage a variety of ASB issues.

5. Complaints / Appeals

- 5.1 If a customer is not satisfied with how a case has been managed, we will direct them to our internal Complaints process.
- 5.2 If a complaint is referred for a statutory Anti-Social Behaviour Case Review (commonly known as a Community Trigger Review), this will not be considered as an internal complaint. We will instead participate in the review meeting to determine if there are any outstanding actions or lessons learned from the case review and will respond accordingly.

6. Monitoring and Review

- 6.1 Case numbers and outcomes will be subject to regular monitoring and review to ensure compliance with regulatory Consumer Standards, and to ensure that lessons are learned and acted upon timeously.
- 6.2 Key performance indicators will be reported to our Governing Body and to the Housing Regulator as appropriate, and at least annually. Indicators will include but may not be limited to those required under the Tenant Satisfaction Measures published by the Regulator of Social Housing.⁷
- 6.2 We will review this policy, procedures and any staff training requirement at least every five years to ensure that it continues to operate within best

⁶ Gov.uk, *Public Sector Equality Duty guidance*, December 2023, <https://www.gov.uk/government/publications/public-sector-equality-duty-guidance-for-public-authorities/public-sector-equality-duty-guidance-for-public-authorities>, accessed April 2024

⁷Regulator of Social Housing, *Regulatory Standards for Landlords*, <https://www.gov.uk/government/collections/transparency-influence-and-accountability-including-tenant-satisfaction-measures>, accessed April 2024.

practice, achieve measurable results and to achieve continuous service improvement.

- 6.3 We will conduct any review in co-operation with all relevant stakeholders, including tenants, the police and other colleagues in the local authority with statutory responsibilities relating to anti-social behaviour, noise nuisance or environmental issues within the wider community.
- 6.4 The policy and all associated procedures will alternatively be reviewed immediately following any change to government policy, regulation or legislation, or as operational issues require.

Examples of Anti-Social Behaviour

The following are examples of anti-social behaviour incidents. The list is not exhaustive, nor does it guarantee that all incidents will fall within the remit of this policy. Each incident will be investigated and managed according to the circumstances and evidence available to us.

Verbal abuse, intimidation, threatening behaviour and harassment	Threats to cause harm to an individual(s), persistent behaviours which cause harm or upset
Hate Crimes	Hate crime incidents based on race, sexual orientation, belief, gender, disability
Domestic Violence	The physical, mental or financial abuse of a partner or household member
Noise nuisance	Where there is a noise from persistent dog barking, loud music, DIY or loud music during unsociable hours
Communal nuisance	Where people are congregating near and around our properties and are causing rowdy/threatening behaviour or vandalism to our property
Animal related problems	Animals persistently fouling in communal areas and animals not under proper control
Neighbour disputes	Two neighbours have a disagreement – for example over noise, boundaries, the communal area
Environmental abuse	Fly-tipping in communal areas, bonfires, graffiti, tagging etc.
Drugs, substance or alcohol abuse	Use and supply of illegal drugs. Alcohol related ASB. Cuckooing, prostitution and related behaviours
Vehicle related nuisance	Abandoned cars, unnecessary noise pollution from cars and car repairs on communal land
Other criminal behaviour	Violence against people and property. Arson, prostitution and other sex related offences, gang-related activities, gun and knife crime, social media abuse.

Actions to Manage Anti-Social Behaviour

The following is a summary of the range of actions we may consider to resolve issues of anti-social behaviour. The list is not exhaustive, and not all will apply in every case. The appropriate action plan will be developed on a case-by-case basis taking into consideration all circumstances and evidence available to us.

Early Interventions

- Signposting to support agencies / services
- Verbal and written warnings
- Acceptable Behaviour Contract (ABC)
- Mediation
- Final Warning letters
- Community Protection Warning (CPW)
- Case meetings of the multi-agency Community Safety Partnership

Legal Actions (may be taken in liaison with other statutory agencies)

- Community Protection Notice (CPN)
- Notice Seeking Possession (NoSP)
- Injunctions
- Closure Orders
- Forfeiture of lease action
- Court action to seek Mandatory Possession
(Ground 7a of the Anti-Social Behaviour, Crime and Policing Act 2014)
- Eviction