

Bespoke Supportive Tenancies Ltd

Anti-Social Behaviour and Neighbour Nuisance Policy

Version: v1

Review

Date of this review	Date of last review	Policy author(s)	Compliance Manager	Next review date
17.11.2020	April 2020	Richard Lowthian	Patricia Mokhberi	April 2023

Details of amendments

Version	Date	Update/ amendment detail	Resulting from
V1	17.11.2020	New Policy Document	
		Changed to New Policy Format	
		Updated/Improved content	

Approved by

Executive Team	9.12.2020
Board	9.12.2020

1. INTRODUCTION

- 1.1 Anti-Social Behaviour (ASB) may take many forms, ranging from drug /alcohol misuse, noise nuisance, criminal damage, verbal abuse and other types of criminality.
- 1.2 This policy establishes BeST's role in tackling ASB. It covers issues of ASB, harassment and hate crime. Unless stated otherwise, it uses the term ASB to incorporate harassment and hate crime. Domestic abuse and violence are dealt with in a separate policy. Though BeST recognises that other forms of anti-social behaviour such as drug/alcohol misuse and noise can be an indicator of domestic abuse, we will be sensitive in our approach and carefully consider this in whilst conducting investigations.
- 1.3 This policy supports related internal and external policies which should be read in conjunction with this document.

1.4 Related Documents

External

- Housing Ombudsman Guidance Notes
<https://www.housing-ombudsman.org.uk/landlords/guidance-notes/anti-social-behaviour-policy/>
- Home Office July 2014 Statutory Guidance
<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>
- Counter-Terrorism Strategy (CONTEST) 2018
[Counter-terrorism strategy \(CONTEST\) 2018 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342222/Counter-terrorism_strategy_(CONTEST)_2018_-_GOV.UK_(www.gov.uk))

Internal

- ASB Procedure
- Domestic Abuse Policy
- Safeguarding Policy and Procedure

- Complaints Policy and Procedure
- Customer Engagement Policy

Key Legislation

- **Housing Acts 1985, 1988 and 1996** – provides grounds for possession and seeking injunctions (see also HA 1996 Section 218A)
- **The Crime and Disorder Act 1998** - enables the Police to impose charges for racially aggravated offences.
- **Anti-terrorism Crime and Security Act 2001** - extended the scope of the Crime and Disorder Act by creating new specific religiously aggravated offences
- **Anti-social Behaviour Act 2003** – along with the Housing Acts provides guidance to social landlords to act against service users causing nuisance in or around their property
- **Racial and Religious Hatred Act 2006** - creates a new offence of stirring up hatred against people on religious grounds.
- **ASB, Crime and Policing Act 2014** –introduced a mandatory ground for possession for:
ASB; introduced a new civil injunction, abolished the ASBO and introduced a range of other new powers such as the Community Trigger for the Police, social landlords and local authorities to tackle ASB
- **The Civil Evidence Act 1995**
- **General Data Protection Regulations 2016**
- **The Human Rights Act 1998**
- **The Care Act 2014**

2. Purpose

2.1 The purpose of this policy is to adopt a supportive and interventionist approach

when dealing with victims, witnesses and alleged perpetrators. The policy is designed to be flexible in BeST's approach to managing incidents, and where appropriate, BeST will work in partnership with internal and external partners with a view to tackling ASB and hate crime.

- 2.2 The policy applies to BeST's service users and licensees. If necessary, BeST will instigate legal action under the terms of the tenancy agreement or licence, with recourse to the legislation in place at the time the ASB or hate crime occurs.
- 2.3 BeST's purpose is to recognise the importance of working collaboratively with the Police, Care Providers and Local Authorities to support and encourage their role in enforcing the law. We will also use the evidence they provide (such as details of calls or a criminal conviction), together with evidence we may obtain, to take enforcement action where appropriate.
- 2.4 Service users are responsible for their own behaviour, and the behaviour of their visitors. When BeST feels that the circumstances of a particular case warrant it, BeST may take action against members of our service users' households or visitors directly. Such action may be in addition to, or in place of, taking action against the service user/s. The appropriate action will vary on a case by case basis, but BeST will ensure that the general principles of this Policy are applied and considered.
- 2.5 BeST recognises the detrimental effect that ASB can have on the lives of our service users and communities, but it is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can act where we cannot do so, or where primary responsibility and powers lie elsewhere. BeST Housing recognises and accepts its role as a responsible landlord to tackle and prevent ASB, but we also recognise that service users, Care Providers and other agencies share this responsibility

3. Aims and Objectives

This policy aims to ensure that:

- 3.1 BeST's service users can enjoy quiet occupation of their homes regardless of ethnicity, religion, sexuality, age, gender re-assignment, or disability (separate qualifying/suitability criteria exists in respect of married coupled/civil partners, and in relation to pregnancy/maternity as specifically relates to supported housing).
- 3.2 Employees, Service users, Care Providers and BeST's Partner Agencies, understand that BeST takes ASB seriously and are committed to taking effective measures towards finding a solution. Service users must understand that the most effective resolution is often for neighbours to resolve disputes themselves with BeST's support.
- 3.3 BeST aims to take positive action, working closely with partner organisations, to encourage them to take the lead in tackling crime and serious ASB in our schemes and properties, or within the surrounding neighbourhood, and to ensure a collaborative approach is taken in tackling other forms of ASB.
- 3.4 BeST aims to use evidence obtained from a range of sources, including Care Providers and Statutory Agencies to take enforcement action. Where appropriate victims and witnesses of ASB will receive a tailored response and appropriate support and advice from our housing officers.
- 3.5 BeST supports initiatives to prevent ASB occurring.
- 3.6 In order to achieve our stated objectives, BeST will work to develop local partnerships with the Police, Local Authority Services, and a wide range of community and voluntary groups with an interest in tackling ASB.

4. Scope

- 4.1 The Policy should be read by The Housing Team, Repairs and Maintenance Team, Development and Asset Management employees, and all BeST's employees who may have cause, in the course of their work, to visit our schemes or are in any way assigned to or involved in the resolution of ASB or hate crime matters.
- 4.2 The Policy should also be read by BeST's Support Providers, and other third-party agencies, or contractors, who may be directly involved in any capacity, with ASB or hate crime matters or incidents.
- 4.3 Where, in our sole discretion, the ASB being committed does not directly or indirectly affect our housing management functions we shall work in partnership with relevant agencies, including the Police and Local Authority, to tackle the ASB

5. Key Elements

5.1 Anti-Social Behaviour

Anti-Social Behaviour (ASB) is defined by **Section 2(1)** of the **Anti-Social Behaviour Crime & Policing Act 2014** 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.

5.1.2 For possession proceedings, the grounds for possession define ASB as:

Where the service user or a person residing or visiting the property

- (a) “has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting, or otherwise engaging in a lawful activity in the locality,
- (b) or has been convicted of – using the dwelling-house or allowing it to be used for immoral or illegal purposes, or an indictable offence committed in, or in the locality of, the dwelling-house”.

5.2 Harassment

5.2.1 Harassment can include a range of behaviours such as threats, verbal abuse, written abuse including via social media, damage to property, violent behaviour, stalking and behaviour causing or intended to cause alarm or distress. These are generally criminal offences and are the responsibility of the Police.

5.2.2 Where appropriate to do so, BeST will take tenancy enforcement action against a perpetrator as a result of evidence obtained by the Police or upon conviction.

5.2.3 Racial harassment is where harassment is perpetrated against individuals or groups because of their colour, race, nationality or ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism. Again, these are generally criminal offences that are the responsibility of the Police and BeST will take tenancy enforcement action against a perpetrator as a result of evidence obtained by the Police or upon conviction.

5.3 Hate Crime

5.3.1 The Police record a crime as a ‘hate crime’ if the victim or anyone else believes it was motivated by hostility based on any of 5 personal characteristics: disability; gender identity; race; religion and sexual orientation. This includes crime against a person’s property as well as the person themselves. A victim does not have to be a member of the group to which the hostility is targeted.

5.4 Domestic Abuse

5.4.1 We recognise that some reports of noise nuisance, disturbances and or anti-social behaviour could be an indicator of potential 'domestic abuse' and or safeguarding issues (e.g. complaints about noisy arguments could suggest that a domestic argument is taking place). We will ensure that any potential indicators for domestic abuse and or safeguarding matters are actively considered as part of our ASB investigation, and will take appropriate actions including raising safeguarding alerts, in line with our policies and procedures. BeST has a separate policy on Domestic Abuse that should be read in conjunction with this policy document.

5.4.2 The **Anti-Social Behaviour, Crime and Policing Act 2014** makes it a criminal offence to force someone to marry. We have a zero-tolerance approach to forced marriage and manage all cases in line with this policy, our Domestic Abuse Policy and where appropriate, our safeguarding policies.

5.5 What is not considered as ASB?

5.5.1 Reports due to different lifestyles or every-day living situations which are not intended to cause nuisance or annoyance are not generally considered as ASB. This includes children playing and babies crying, household noise due to every-day living washing machines and DIY during reasonable hours (as defined by Local Authorities), one-off parties, BBQs and celebrations, cooking odours and reasonable household smells, smoke, minor car maintenance and minor disputes between neighbours or personal differences.

5.5.2 Although these are some examples of behaviour, we do not generally consider to be ASB, we know that sometimes low level and repeated incidents treated in isolation which may not appear serious or even as ASB, may be having a serious impact on the victim's life.

5.5.3 Therefore, for low level reports of ASB, if the behaviour is persistent and deliberate

and is found to be having a harmful impact on a person or they are at risk or potentially at risk then we will investigate the matter as ASB in line with this policy.

5.6 To effectively prevent and tackle ASB, harassment and hate crimes we will:

- a) demonstrate leadership, accountability, and commitment in working with care providers and our statutory partners to tackle ASB so that we all fulfil our respective responsibilities and give a clear message to everyone that we take ASB seriously.
- b) ensure staff are well-trained, have the knowledge and confidence to identify and investigate incidents/reports of ASB and work collaboratively alongside appropriate agencies who are leading on such cases?
- c) clearly explain to all new service users during the sign up process of their tenancy agreement, and during welcome visits, the terms of their tenancy or lease that relate to ASB and causing nuisance, and hate crime, so that expectations and consequences are clear.
- d) explain to service users that it is their responsibility to try and resolve disagreements and neighbour disputes by talking to each other and reach a solution based upon mutual understanding. Where resolution is not possible, we may suggest mediation where we believe it could assist in resolving a situation.
- e) take enforcement action to prevent ASB and evict a perpetrator where it is reasonable and proportionate to do so and the evidence is sufficient and robust enough to support a successful possession action.
- f) log all reports of ASB and any referrals to statutory bodies and monitor the outcomes.
- g) respond sensitively to the victim and adopt high standards of confidentiality

when dealing with victims and witnesses

- h) adopt a victim-centred approach in responding to harassment and hate crime
- i) report incidents to the Police on behalf of all our vulnerable victims or support such victims in doing so, where they feel intimidated to report incidents themselves (third party reporting) and where we have the victim's agreement to do so.
- j) develop robust local partnerships and multi-agency working to address ASB through a range of diversionary activities or enforcement action and to share experience and expertise. This may include joint working with the Police, Local Authority Services, and participation in local Multi-Agency Risk Assessment Conferences, and co-option to Community Trigger Procedures where appropriate to do so, as well as engagement with a range of other statutory agencies and third parties
- k) develop formal information sharing protocols and partnership agreements to allow us to respond quickly to ASB and hate crime
- l) ensure we consider a range of interventions (e.g. diary's, ABC's, tenancy support, warning letters – this list is not exhaustive) to deter or prevent ASB or hate crime and where appropriate take legal action by way of injunctions and/or possession proceedings – using mandatory grounds where applicable.
- m) encourage service users and community groups to prevent and resolve ASB and other community tensions to promote inclusive and sustainable communities. We will work with those groups to help support community initiatives that prevent ASB and diversionary activities to help prevent service users or their visitors from becoming involved in.
- n) provide advice and support to victims and witnesses. As part of our investigation

into tenancy breaches, in appropriate cases we will consider the use of professional witnesses, and we will make referrals to Victim Support and other relevant support agencies.

6. **Specific Standards**

We will categorise ASB complaints as follows:

- 6.1 **Crime (Category 1)** – we will work with the Police on a collaborative basis to tackle criminal activity in our schemes and properties ; we will take action to enforce tenancy conditions and refer victims to relevant support agencies, while the Police investigate the criminal behaviour and bring charges against the perpetrator. We will not generally lead on resolving such incidents, but in some serious cases if it is appropriate to do so, we will explore our options for taking our own legal action such as an *ex parte* injunction.
- 6.2 **Noise (Category 2)** – we will commence investigations of cases within seven working days of being informed when our threshold is met. We will initially encourage service users to try and resolve noise nuisance from neighbours between themselves and work with our service users to report excessive noise to their local council’s environmental health team. We will work with the local environmental health service who have statutory powers to tackle noise nuisance and serve abatement notices on those responsible for the noise.
- 6.3 **Other forms of ASB (Category 3)** – we will commence investigations of ASB cases within seven working days when our threshold is met.

7. **ASB Thresholds**

- 7.1 BeST will not conduct a full investigation into every report of ASB as often noise or other ASB is a one- off event. We would expect the service user with support from the Care Provider to try and resolve the problem themselves/independently first by

speaking to their neighbour with the support of their Care Provider. Where the ASB requires something to be removed such as discarded drugs paraphernalia or dumped rubbish in communal areas, we will look to remove the items however we would expect the Care Provider to be trained to remove such drug paraphernalia and work with us to deal with any breach of tenancy but will not investigate the problem unless the threshold is met.

7.2 Where we have evidence that the complainant is being unreasonable, vindictive or vexatious. In such instances, the complainant will be informed that we will not be taking further action in relation to that specific complaint and why. We may also use our discretion to act before a threshold is met for:

- (I) serious one-off events where the incident has been investigated by the Police or
- (II) Environmental Health and they ask us to get involved where they feel it would help and we concur with their assessment at a time of our choosing, based on local intelligence (e.g. if several service users make isolated complaints about the same household over a period).

7.3 We will endeavour to remove racist and other offensive graffiti within 24 hours (weekdays), noting that this may not always be possible due to external factors. Further details on each category will be set out in our ASB procedures. BeST reserves the right not to investigate a case where we feel the complainant is being unreasonable, vindictive, or vexatious. If an ASB complaint has been received it will be dealt with through this policy and not our complaint policy.

8. **Customers Right to Appeal**

If a resident is dissatisfied with our response to tackling ASB or objects the enforcement action we decide to take against them if they, a member of their household or a visitor to their home are found to be the perpetrator(s) of ASB, they

can appeal against this by making a complaint via the BeST Complaints procedure.

9. Responsibilities

9.1 Responsible Officers

The Head of Housing and the Southern Housing Manager are responsible for ensuring that this Policy is adhered to, and will co-ordinate and provide appropriate training and guidance to Housing Team Employees on Anti-Social Behaviour and Hate Crime matters.

9.2 Training

This Policy will be available to all employees, and employees will receive training to ensure they are aware of responsibilities around ASB and related safeguarding issues. A variety of training methods will be provided internally, as well as relevant courses.

9.3 Recruitment

ASB and Hate Crime will be referenced in job descriptions (which will be reviewed regularly), in person specifications, and will be included in interview questions where this is deemed relevant. This will extend to vetting applicants (example: previous experience in managing ASB and hate crime), where this is an essential requirement of the advertised role.

10. Reporting and Monitoring

- 10.1 BeST aims to comply with the expectations set out in the **Home Office July 2014 statutory guidance** for frontline professionals in relation to the **2014 ASB, Crime and Policing Act**. This policy complies with the regulatory requirements of the social housing regulators Neighbourhood and Community Standard which requires registered providers to work in partnership with other agencies to prevent and

tackle anti-social behaviour in the neighbourhoods where they own homes, and specifically to publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties. It requires registered providers to demonstrate:

- a) that service users are always made aware of their responsibilities and rights in relation to ASB
- b) strong leadership, commitment, and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- c) that a strong focus exists on preventative measures tailored towards the needs of service users and their families
- d) that prompt, appropriate, and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
- e) that all service users can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
- f) provision of support to victims and witnesses

- 10.2 BeST will monitor the implementation of this policy through regular analysis of customer feedback, case reviews and reports on the specific service standards. Information on cases are kept secure and confidential.
- 10.3 BeST will keep records of all interviews and telephones calls in relation to each case, which will be recorded on Sassa's NOR system (notice of risk). BeST logs information relating to tenancy type, race, gender, service user vulnerability and type of antisocial behaviour.

11. **Definitions**

BeST – Bespoke Supportive Tenancies Ltd

ASB – Anti-Social Behaviour

NOR – Notice of Risk

Service User - Tenant or License Holder

12. **Equality and Diversity**

BeST is committed to mainstreaming equality and diversity throughout all its activities as well as meeting the general and specific duties imposed on it through the legislation. Please refer to BeST's Equality and Diversity Policy to read the Policy details in full.