

Appendix A

Local Authority Housing Anti-Social Behaviour Policy

Summary	<p>We take anti-social behaviour seriously and believe everyone should feel safe in their home and local community. We are committed to providing you with an excellent service and if anti-social behaviour is affecting your quality of life, our trained teams are here to help support and advise you.</p> <p>We are members of the Community Safety Partnership and will utilise appropriate frameworks when working with partners, assessing, managing risk and use their individual powers to help resolve anti-social behaviour.</p> <p>Appendix 1 – Risk Assessment Matrix</p>
Effective date	1 April 2024
Review	We will review this Policy within three years or before where there has been an update to legislative, regulatory, best practice or operational changes.
Version	1.0

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1. Scope

This policy applies to reports of anti-social behaviour (ASB), including reports of hate crime and hate incidents.

It covers all incidents:

- Involving Portsmouth City Council (PCC) residents or members of their household
- that occur within a neighbourhood in which we manage properties and the ASB involves PCC residents or,
- that take place at our 'workplace'

When this policy refers to ASB, this includes incidents of hate crime.

Any reference in this policy to 'we', 'our' or 'us' refers to Portsmouth City Council, Local Authority Housing.

2. Purpose

We are committed to enabling residents to live peacefully within their homes without fear, intimidation, threats of harm, nuisance, or unreasonable behaviour from others with freedom for themselves, their families and their communities to live in a safe and peaceful environment.

The purpose of this policy is to:

- help residents stop or manage behaviour that affects them or their local area
- Support and empower residents to report and engage with us and the right agencies to minimise the risk of further incidents by encouraging early reporting and a rapid response.

We will:

- provide the support needed for residents to sustain tenancies and feel safe in their home
- Provide residents with appropriate confidential supports, and referrals to other specialist agencies where appropriate.
- Signpost residents to appropriate agencies to provide wellbeing support and advice, in line with our regulatory and legal requirements.
- work in partnership with other external organisations and specialist agencies where appropriate.
- take the necessary management intervention and legal action to deal with the accused (an alleged perpetrator) of ASB and hate crime in line with our tenancy agreement and responsibilities as a social housing provider

3. Definitions

What is Anti-Social Behaviour?

The Anti-social Behaviour Crime & Policing Act 2014 defines ASB as conduct:

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

We have adopted this definition.

We will use our professional judgement and look at all reports of ASB on a case by case basis, Examples of ASB (some examples of ASB are listed in our tenancy, occupancy and license agreements) include, but are not limited to:

- unreasonable noise
- nuisance / harassment
- verbal or physical abuse
- damaging or putting graffiti on any of our properties or within the neighbourhood
- behaving in an intimidating manner
- hate crime and hate incidents
- substance misuse / drug dealing
- county lines
- cuckooing
- gang crime
- exploitation

We don't define the following as ASB, however it may be considered

amongst a pattern of other behaviours

- normal household noise, e.g. vacuuming, children playing inside, children crying, occasional door slamming
- smells from cooking
- one off gathering including BBQs (providing they don't cause an unacceptable disturbance)
- DIY within sociable hours

- noisy plumbing or appliances
- parking disputes (unless there is physical or verbal intimidation)
- children arguing or fighting
- children playing outside or youths congregating (unless they are behaving anti-socially)
- feeding birds or other wildlife

What is Hate Crime and what are Hate Incidents?

A hate crime is defined as '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 race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.'

A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender

Hate crime is as any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

The hatred, bias or prejudice is based upon the actual or perceived race, colour, religion, national origin, gender/transgender status, age, disability, or sexual orientation of an individual or group. Additionally, any hatred, bias or prejudice against an individual or group's personal characteristic/s will be investigated as hate crime (e.g. subculture groups such as Goths, Travellers or hair colour).

The Safeguarding policy and Domestic Abuse policy will be referred to when reports of hate crime are received.

Other definitions

- Accused (an alleged perpetrator) – person accused of carrying out ASB
- complainant – person making the complaint of ASB
- victim – a victim is a person who has experienced nuisance, harassment, alarm or distress or any other anti-social behaviour
- witness – a person who observes a crime or incident that has taken place

4. What you can expect from us

We will treat all reports of ASB seriously and we recognise that it is a big step to report ASB. We will take into consideration the diverse needs of residents reporting ASB taking into account their diverse needs and preferred communication type.

We will respond to reports of anti-social behaviour, quickly, effectively, sympathetically, and appropriately.

We will use our risk assessment (appendix 1) to assess the risk posed by the reported anti-social behaviour and assess support needs of those involved. This will also help in determining any appropriate actions or signposting required based on knowledge of the circumstances in each case.

We will assess the circumstances and agree appropriate actions with the complainant / residents. This may include regular contact, multi-agency meetings, additional security requests, tenancy changes and alternative accommodation requests, if required and within our ability as your landlord.

It may include formal legal action against the accused such as but not restricted to injunctions or possession action, or other actions such as Acceptable Behaviour Agreements, banning notices to exclude individuals from our buildings and surrounding areas.

We understand that those reporting ASB may be concerned about their information being disclosed to third parties. We will treat all information we receive in confidence and will seek consent before sharing it in a form that is likely to identify its source. However, in some cases, residents need to be aware that it may be apparent to the accused (an alleged perpetrator) who the complainant is.

In some instances, we are legally obliged to share information with a third party e.g. Where a child or a vulnerable adult may be at risk. In these cases, we may be required to share information without seeking consent following relevant legislation and policies.

5. Residents Responsibilities

We expect that residents to take responsibility for their own behaviour and that of their household and visitors, to respect others and to not damage property.

Our tenancies state:

You shall not do anything which may cause nuisance or harassment to other people. You are responsible for the conduct of all members of your household, lodgers and visitors whilst they are on the premises, and you shall take all reasonable steps to ensure they do not cause nuisance or harassment to other people'

The premises include your home plus common areas such as lifts, stairs, balconies, paths, walkways and gardens that are in the locality of your home'

We expect residents to try to resolve minor issues themselves as appropriate, and we actively encourage them to do so in the first instance.

We believe residents have the right to enjoy their homes and are entitled to live their day to day lives without having concerns that complaints of ASB will be made against them unreasonably.

We will work in partnership with other agencies and organisations to prevent and reduce ASB and to ensure the best outcome for everyone concerned.

We take a victim-centred and robust approach to tackling ASB, including prevention and early intervention.

6. How do we deal with a report of anti-social behaviour & hate incidents

ASB can be reported to the Housing Office by a resident, third parties or by a member of staff observing or experiencing ASB.

In situations where someone or a property or person is in danger, a serious disruption to the public is likely or when a crime is taking place, the complainant should contact the police on 999 before contacting us.

Complainants should call 101 for non-emergency enquiries or report online to Hampshire Police.

We will deal sensitively with all reports of ASB and will remain professional and non-judgemental when working with both the complainant and accused (an alleged perpetrator).

We will work with the complainant and accused (an alleged perpetrator).

If we decide that a report is not ASB, we will advise the complainant of this decision and may still be able to help or offer advice on alternative routes / specialist agencies to resolve the issues raised.

We recognise that some accused (an alleged perpetrator) may be vulnerable and need help to deal with the underlying causes of their behaviour and will signpost and work with specialist agencies to assist them in sustaining their tenancy.

We will refer to our Domestic Abuse and Safeguarding policy as required and follow the appropriate process in line with the policies.

7. What action do we take to reduce and prevent ASB and hate incidents

We provide staff with training, clear guidance / framework, policies and procedures so that they can deal with cases of ASB effectively, use the appropriate enforcement tools, and are aware of the wider issues and underlying causes associated with ASB, including hate crime, domestic abuse and safeguarding.

Preventing anti-social behaviour happening in the first place will always be better than trying to stop it once it has occurred. Wherever possible we will use a range of measures to prevent this. For example:

- ensuring external spaces have defined uses

- producing clear sight lines with well-lit routes to a building entrance
- providing car parking, storage and visible play spaces
- keeping estates clean and tidy to encourage respect for the environment
- We support the provision of free access to adventure playgrounds and youth facilities in many of our communities

Other examples of how we prevent and reduce ASB include:

- Spending time on our estates and in our communities to identify any potential triggers for ASB.
- Having effective pre-tenancy checks
- setting out clear expectations on behaviour when new residents sign their tenancy agreements
- assess suitability for Housing for a tenant who has previously been evicted because of ASB
- working in partnership with the police, and other agencies on preventative strategies and planned solutions
- identifying support needs of prospective and new residents and working with partners to meet that need
- having clear and specific tenancy clauses on hate crime, illegal drug use, distribution, and harassment
- using permanent or mobile CCTV where appropriate
- funding local projects and initiatives through our community grants.

We will take a balanced approach to preventing and reducing ASB; any action we take will be based on the circumstances of each case and will be proportionate to the behaviour.

We recognise that by addressing ASB early, it is more likely to be able to stop problems escalating in the majority of cases. Examples of the informal actions we may take include:

providing advice and assistance to victims at an early stage including encouraging a neighbour to find their own solution

- interviewing the accused (an alleged perpetrator)
- verbal and written warnings
- making referrals for support
- using mediation services at an early stage and where appropriate
- using Acceptable Behaviour contracts
- using Good Neighbour Agreements
- providing diversionary activities on Youth diversions.

8. Enforcement and legal action

Our primary aim is to prevent or help resolve anti-social behaviour. However, in some cases enforcement action will be appropriate in order to resolve it. In line with legislation, policies and processes, there are a number of enforcement routes available, which could include, but not limited to:

- Eviction proceedings using either discretionary or mandatory grounds
- Civil Injunctions
- Community Protection Notices (CPN) and Community Protection Warnings Notices (CNWN)
- Possession Orders
- Closure Orders (Full and partial)
- Forfeiture of lease
- Dispersal orders

The type of action we take will be determined on a case-by-case basis, taking all of the relevant circumstances into account, having due regard to the Human Rights Act 1998 and Equality Act 2010.

Legal proceedings are started after appropriate investigations have been carried out and all alternative approaches have been considered.

There may be situations where other agencies have the best tools to help resolve the ASB and in these cases, we will work with that specialist agency to support their specific action.

Supporting vulnerable Accused (an alleged perpetrator)

We recognise that some accused (an alleged perpetrator) may be vulnerable and need help to deal with the underlying causes of their behaviour. We will refer to the Safeguarding Policy where we feel a safeguarding referral may be needed.

Where we know the accused (an alleged perpetrator) has identified support needs and it is appropriate to do so, we will offer support. This can include:

- Using an acceptable behaviour contract
- Signposting and/or making a referral to an external support agency.

Where possible, we will consider the vulnerability of the accused (an alleged perpetrator) before taking any legal action.

Some support can only be met by external specialist support agencies. We cannot guarantee that the accused (an alleged perpetrator) will be offered external support, but we will try and ensure that all the appropriate agencies are involved and hold MARM (Multi Agency Risk Management) meetings where necessary to help with engagement and responsibility.

9. Young people (age 10-17)

Where the accused (an alleged perpetrator) is aged between 10 and 17, their parents or carers will be encouraged to attend any meetings to which the accused (an alleged perpetrator) is invited to discuss their conduct. Where practicable and/or appropriate, we will seek to address the underlying causes of the behaviour by facilitating support through partnership working.

Where a young person is involved in a serious and/or persistent ASB we may consider taking legal action against them and/or against their parent/ carer (if our tenant).

10. Working in partnership

We work in partnership with other specialist agencies to prevent and reduce ASB and ensure the best outcome for everyone Examples of this are:

- arranging and/or participating in multi-agency meetings to resolve complex cases
- regularly participating in local Community Safety Partnership meetings with the police and other agencies
- developing strong working relationships with the local police, probation and support services
- participating in local procedures for an ASB case Review. The ASB case review is designed to give victims of anti-social behaviour the right to a review of their case, bringing together partner agencies to find a joined-up solution or identify additional tasks that may bring about a resolution.

We also sign up to local information sharing protocols and share information with other agencies where relevant and where the law allows us to.

11. Case closure

There is no set time frame for closing a case; it will depend on the nature of the issues involved.

Examples of reasons for closing a case include:

- the ASB has been resolved or it has stopped
- after an initial investigation, the behaviour cannot be reasonably regarded as ASB
- there is no or insufficient evidence to take action
- the complaint is withdrawn by the one person who had reported it.
- we believe that we are not the right resource to investigate the ASB issue and have referred the complainant to the relevant external organisation.

We will always inform the complainant of our intention to close a case and explain our reasons for doing so.

If a case has been closed, it can be re-opened at a later date if more evidence or information is made available.

12. Keeping you informed

We ensure that the wider community is aware of the successful outcomes of our work to prevent and tackle ASB through effective publicity.

We ensure our residents understand what ASB is and how they can report incidents to us.

We decide where to publicise action we have taken on a case by case basis. We will always balance the rights of the individual against those of the community.

We record and monitor incidents of ASB and use this information alongside customer feedback to monitor our performance. We continuously improve our range of ASB services, by listening to our residents and other key partners, through customer feedback.

At times, we may also contact residents to ask them about their experience of reporting ASB to the council to gain feedback for continuous improvement.

13. Complaints and appeals

ASB Case Review

Complainants and communities have the right to request a review of their case where a local threshold is met, and to bring agencies together to take a joined up, problem-solving approach to find a solution for the victim.

The Threshold is defined by the local agencies, but not more than three complaints in the previous six-month period. It may also take account of:

- the persistence of the anti-social behaviour;
- the harm or potential harm caused by the anti-social behaviour;
- the adequacy of the response to the anti-social behaviour.

The case review will be undertaken by the relevant partnership agencies. They will share information related to the case, review what action has previously been taken and decide whether additional actions are possible.

The local ASB Case Review procedure should clearly state the timescales in which the review will be undertaken;

- the review will see the relevant bodies adopting a problem-solving approach to ensure that all the drivers and causes of the behaviour are identified and a solution sought, whilst ensuring that the victim receives appropriate support and is kept updated of progress;
- the victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales

Additionally, residents who have been involved in an ASB case handled by us who want to make a complaint regarding how the complaint has been handled, should contact our Local Authority Landlord Complaints Lead.

14. Your voice

We provide residents a wide range of meaningful opportunities to influence and scrutinise the Landlord Strategies, policies and services

We will respect the experiences and use their feedback to improve and shape services.

15. What have we done to make sure this Policy is fair?

We completed an Integrated Impact Assessment (IIA) to consider the positive and negative impacts this Policy may have on people with protected characteristics under the Equality Act 2010. This Policy should have direct and positive equality and diversity impacts.

16. Support

We know that ASB can have a major impact on victims and that this can be especially serious where victims are vulnerable.

Our risk assessment is designed to establish any vulnerabilities the complainant and/or the accused (an alleged perpetrator) may have and the impact the ASB is having on the complainant's (including their household's) well-being. This allows us to make a decision on what action and support is required. Where it has been identified that extra support is needed, the case handler will sensitively manage this in line with the risk assessment, for example:

- visiting residents in their own home or somewhere they prefer, at their convenience
- providing additional security measures to victims of harassment where appropriate
- referring and/or signposting victims to external support agencies.

Where there is deemed a risk to harm, we will offer protective measures to help those at risk and feel safer in their home.

The measures will be agreed with affected parties and provided free of charge; however, we will determine which measures are appropriate. In some circumstances where there is considerable risk of harm, we may consider a priority move in line with our lettings policy.

17. Regulation and legislation

We recognise the vast amount of legislation regarding Anti-Social Behaviour, and we will continue to monitor relevant legal guidance. The list below reflects some of the existing legal framework and relevant publications:

- The Housing Act 1996
- Anti-social Behaviour Crime & Policing Act 2014
- Neighbourhood and Community Standard,
- Equality Act 2010
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Data Protection Act 2018
- Regulation of Investigatory Powers Act 2000
- Police Reform Act 2002
- Anti-social Behaviour Act 2003
- Police and Justice Act 2006
- Crime and Disorder Act 1998
- Human Rights Act 1998.
- Racial and Religious Hatred Act 2006
- Protection of Harassment Act 1997
- Anti-terrorism crime and security Act 2001
- Racial and religious hatred Act 2006

18. Related documents

This policy must be read in conjunction with:

- Local Authority Housing Landlord Policies link
- Domestic Abuse Policy
- Safeguarding Policy
- LAH (Local Authority Housing) Landlord Services Complaints Policy
- Tenancy Agreements / Leasehold Agreements

19. How to feedback

You can get this policy in large print, Braille, audio or in another language by contacting your Housing Office.

Compliments: TBC

Complaints:

If a customer is unhappy, they can refer to our LAH (Local Authority Housing) Landlord Complaint Policy - link

- Online complaints form xxxxxxxx
- Telephone: xxxxxxxx

- Email address: xxxxxxxxxx

Housing Ombudsman:

If a customer with a housing complaint is still unhappy after following the LAH (Local Authority Housing) Landlord Complaint Policy, they can contact the Housing Ombudsman Service.

- Online complaint form at www.housing-ombudsman.org.uk
- Telephone 0300 111 3000

www.norfolk.gov.uk

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