

Policy Owner	Stuart Blackie	Business Area	Income Management
Document Type	Policy		

## **Anti-Social Behaviour Policy**

### **1.0 Introduction**

1.1 The Anti-social Behaviour, Crime and Policing Act 2014 was designed to put victims at the heart of the response to anti-social behaviour (ASB) and give professionals the flexibility they need to deal with any given situation. The aim of the Act was to streamline the toolkit professionals have at their disposal to deal with antisocial behaviour into a unified framework of six powers, down from 19 created in various legislation including the Crime and Disorder Act 1998 and Anti-Social Behaviour Act 2003.

1.2 This policy sets out:

- Definitions of ASB;
- The guiding principles for those colleagues who deal with ASB;
- What we want our services to achieve for people experiencing ASB, and the principles on the kind of service level and quality we aim to provide.

1.3 This document confirms how we respond to reports of ASB (S.12) but does not say how we will deal with ASB on a day-to-day basis; this is covered in our ASB Procedures document.

1.4 ASB is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to abusive neighbours or those who cause statutory noise nuisance, such as playing loud music, on a continual and ongoing basis. Such a wide range of behaviours means that responsibility for dealing with ASB is shared between a number of agencies, particularly the police, councils and social landlords.

### **2.0 Coastline's responsibilities**

2.1 Coastline is a partner of Safer Cornwall which is the community safety partnership for Cornwall. Coastline works with partner agencies where appropriate to try and deliver positive outcomes for all of our customers.

2.2 This partnership brings together a wide range of agencies to do all that we can to ensure that everyone who lives, works or visits Cornwall can do so safely and securely. This is confirmed with a Service Level Agreement.

2.3 Coastline recognises that ASB has a detrimental effect on the quality of life enjoyed by our customers and is committed to deterring and tackling the problems caused by ASB.

#### **2.4 Respect – ASB Charter for Housing**

2.5 In 2011 Coastline signed up to and is committed to the Respect – ASB Charter for Housing which aims to be outcome-focused so that we can provide a high quality ASB service. The Charter consists of seven core commitments.

2.6 We are committed to:

- demonstrating leadership and strategic commitment
- providing an accessible and accountable service
- taking swift action to protect communities
- adopting a supportive approach to working with victims and witnesses
- encouraging individual and community responsibility
- having a clear focus on prevention and early intervention
- ensuring that a value for money approach is embedded in our service

### 3.0 Our approach

- 3.1 Through consultation with Customer Voice Coastline has developed this policy and procedure to tackle ASB.
- 3.2 We are committed to improving the quality of life for everyone living and working within our communities and in providing a safe and secure environment, free from the negative impact of ASB.
- 3.3 Coastline will work in line with Safer Cornwall's processes to address ASB, through pro-active attendance of locality, target group meetings; we will support Community Case Review (Community Triggers) processes; and help customers to make Case Review applications when appropriate..
- 3.4 Action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged and appropriate to the circumstances. Intervention action will be selected, based on what is most likely to produce an effective solution, in partnership with the complainant. In very serious or persistent cases of ASB, rapid enforcement action will be taken to resolve the problem. This may include court action where appropriate.
- 3.5 Coastline recognises the tools and powers available to us. Legal enforcement powers will be used as necessary, appropriate and proportionate.

### 4.0 What is Anti-Social Behaviour?

- 4.1 The Home Office guidance on the Anti-Social Behaviour, Crime and Policing Act 2014 states "In terms of the behaviour itself, what is seen as 'anti-social' will vary from victim to victim, and community to community. This is one reason why we changed the way in which incidents of anti-social behaviour are reported, no longer focusing on the behaviour, but on the impact it has on the victim".
- 4.2 The 2014 Act gives the following definition of ASB:
- 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.
- 4.3 Coastline's working definition of ASB is broader than the 2014 Act and is based on a range of definitions contained in various Acts of Parliament and in summary includes:
- Being convicted of an indictable offence in the locality;
  - Being convicted of using a property for illegal or immoral uses;
  - Acting in a manner that is likely to cause harassment, alarm or distress to others;
  - Acting in a manner which causes nuisance or annoyance to others.

4.4 For the purposes of seeking a housing injunction, the Housing Act 1996 defines behaviour, which can result in an injunction (under the Housing Act 1996) as:

- “conduct which is capable of causing nuisance or annoyance to any person AND
- directly or indirectly relates to or affects the housing management functions of a relevant landlord; OR consists of, or involves using or threatening to use, housing accommodation owned or managed by a relevant landlord for an unlawful purpose”

## 5.0 Categorisation levels of ASB for reporting purposes

5.1 This is represented by three distinct types of ASB (which are defined by the National Standards in Incident Reporting used by the Police):

## 5.2 Definitions

### 1. High level Anti-Social Behaviour

The following statements are the official definitions for ASB and are used by all the statutory agencies to ensure a common approach.

#### Category 1/A:

Immediate danger to life or property. Where immediate legal action is required such as injunction, Criminal Behaviour Order or Community Protection Notice. Examples of category 1/A would be disorder associated with the use of Class A drugs such as cuckooing, violence, intimidation or harassment on grounds of race, sexual orientation, religious belief or disability.

#### Category 2/B:

If there are several incidents of ASB, personal injury or property is at risk. Examples would be noise nuisance, car repairs, dumping rubbish or rowdy behaviour.

### 2 Low level Anti-Social Behaviour

#### Category 3/C:

If ASB is not a repeat incident and there is no personal injury or property at risk. Examples would be untidy gardens, noise nuisance or abandoned cars.

## 6.0 Our operating principles

6.1 We will raise awareness of what ASB is and encourage customers to report this to us and make it possible for them to do this in a variety of ways.

6.2 We will take a victim focussed approach, identifying those vulnerable individuals, communities and environments most at risk and will work closely with our partner agencies to reduce the possibility of the problems escalating.

6.3 We will ensure that we respond to high priority cases (CAT1A above) such as Hate Crimes, Domestic Abuse, cuckooing and Violence within one working day.

6.4 We will respond as quickly as possible and acknowledge reports within our published timescales and Customer Pledge to agree an action plan.

6.5 We will ensure that we provide an excellent service to our customers and monitor levels of satisfaction closely, in accordance with the Consumer Standard Tenant Satisfaction Measures and benchmark these results with other national organisations.

## 7.0 Prevention

7.1 To prevent ASB from occurring Coastline employs a variety of actions and initiatives. These include but are not limited to:

- A robust pre-tenancy interview, which includes a full risk assessment, to ascertain the suitability of the applicant and that appropriate support is in place before the tenancy commences;
- Actively addressing issues relating to the causes and effects of ASB. This involves working with local schools, the police, community agencies and other external agencies;
- Actively involving communities in the management of their neighbourhood, encouraging the formation of resident groups and promoting minimal tolerance of ASB;
- Developing Local Lettings Strategies which can respond to the needs of communities where ASB has been problematic;
- Developing Trust Charter and Customer Pledge with our customers;
- Encourage reporting of ASB by ensuring that our Policy and Procedures are clear, accessible and pro-active;
- Following a clearly defined workflow process on our CRM system, including a relevant action plan agreed with to the person(s) experiencing the ASB;
- Taking prompt, appropriate and decisive action to deal with ASB before it escalates. In doing so, we adopt a problem solving approach and have regard to the full range of tools and legal powers available; and
- Support victims and witnesses of ASB.

## 8.0 What we will do to alleviate ASB

8.1 **We will treat incidents of ASB seriously and respond professionally, so we will:**

- Assess (and periodically reassess) the seriousness of ASB reported to us, and take action according to our target times and service standards;
- Treat all reports as confidential, sharing information only with other organisations that can help with the problem (for example, the police and health care professionals) and observing data protection laws and information sharing agreements;
- Ensure that any criminal ASB reported to us is quickly passed on to the correct agency (the police);
- Register each report of ASB we receive and give it a unique reference number;
- Appoint a named officer to lead on and carry out further investigations, where appropriate;
- 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 whenever it is possible and appropriate to do this;
- Continue to treat all reports as 'live' until, in the opinion of the lead officer and the lead officer's manager, they can be closed and the complainant notified; and
- 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.

8.2 **ASB will be dealt with firmly, fairly and proportionately, so we will:**

- Deal with the most serious reports of ASB as a matter of urgency, especially where vulnerable people are involved, either as the complainant or the perpetrator; and
- Use all available, appropriate and proportionate powers to address and resolve ASB, including legal and non-legal means and sanctions, such as:
- Mediation services;
  - Encouraging informal discussion (where appropriate) between each party to find their own resolutions;
  - Notices;
  - Injunctions;
  - Possession action;
  - Closure orders;
  - Tenancy reviews (where fixed term tenancies apply);
  - Probationary tenancies and tenancy demotions; and or Suspended Possession Orders;
  - Robust pre-tenancy processes;
  - Restorative justice; and
  - Provision of out of hours ASB reporting to our out of hours emergency service.

**8.3 We will take the following into account, when dealing with cases of ASB:**

- An assessment of victim & witness vulnerability, risk and harm and complete an Equality Act Justification Form (Justification Prior to Legal Action Equality Act 2010) which will be signed off by the Tenancy Manager before serving Notices to perpetrators;
- Use or threatened use of violence;
- Housing tenure;
- Frequency of incidents;
- Safeguarding considerations; and
- The nature of the incident e.g., Hate Crime or Domestic Abuse, both of which have their own policies.

**8.4 We will work with other agencies in order to deliver an effective, value for money service across the community, so we will:**

- Play a full part as a key member of the Cornwall Community Safety Partnership;
- Participate in permanent or ad-hoc multi-agency groups dealing with specific ASB issues (for example, problems involving street-based ASB); and refer or signpost residents to other agencies, who may be able to assist;
- Work with other agencies and share information about both complainants and perpetrators in support of local strategies to reduce crime and disorder;
- Co-operate with public protection arrangements under the Criminal Justice Act 2003 and so will work within Multi- Agency Public Protection Arrangements;
- Safeguarding Adults and Safeguarding Children policies will also be applied when appropriate to ensure that vulnerable people within our communities are protected;
- Regularly review live and on-going cases to assess the changing risk as cases progress, and ensure Safeguarding issues have not presented themselves throughout the ongoing investigations;
- Regularly review our Service Level Agreement (SLA) with the Community Safety Team Cornwall; and

- Work with Housing Law specialists to ensure that we can act swiftly, professionally and ensure that we get results.

**8.5 We will provide a high quality service that meets people’s identified needs, so we will:**

- Ensure that staff dealing with ASB are qualified and trained, and understand, and follow, agreed policies and procedures, including the induction of new members of staff;
- Contact all ASB cases and invite each complainant to rate their satisfaction with our service;
- Review this policy document and the procedures document at least once every three years;
- Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need, sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought;
- Undertake Community Impact Walkabouts and involve our key partners to deal with targeted areas experiencing ASB;
- Benchmark our performance with other organisations nationally via Housemark benchmarking club with emphasis on customer satisfaction; and
- Report our monthly performance through the in-house performance Coastview system.

**9.0 Tenancy agreements and Leases**

9.1 Our tenancy agreements and leases contain clauses relating to ASB. By signing the tenancy agreement or lease our tenants agree not to commit acts of ASB and to be responsible for the behaviour of their household and visitors.

9.2 Not all tenancy agreements are exactly the same, but the principle that the lives of other customers should not be adversely affected by another’s behaviour is a constant throughout.

**10.0 Supporting Staff**

10.1 We take threats against staff and contractors extremely seriously and will use a number of tools available against the person using or threatening violence.

10.2 This may result in a tenancy being terminated. In the event of the perpetrator remaining within our homes, a two person visit warning flag will be highlighted on our system for all future home visits (warning flag policy).

**11.0 How we respond to reports of ASB**

**11.1 What we will do when we receive complaints of ASB**

We will:

- Record all reports of ASB within 24 hours, appoint a named officer to each case;
- Respond within our published timescales;
- Develop an action plan with the victim/witness to deal with the particular circumstances of the complaint;
- Keep the complainant informed of the progress of the action plan and notify and explain our decisions;



- Review and close each case if there have been no further complaints for 28 days; and
- We will close off cases as soon as they have been resolved with the complainant's agreement.

## 12.0 Providing support to those involved

### 12.1 We will:

- Agree an action plan with the complainant and tailor the plan to their individual circumstances and case;
- Work with our partners to provide assistance and support to suit the needs of the complainant/victim/witness;
- We will have regard to what assistance and support may be available to perpetrators to encourage them to change their behaviour to prevent re-offending;
- Maintain contact throughout the course of the investigation and keep those involved informed of progress (subject to duties of confidentiality) from the date the first complaint is received, throughout the investigation process and/or any legal action;
- Use measures to prevent and reduce anti-social behaviour, and use appropriate legal and non-legal solutions to tackle it;
- Ensure that a Equality Act Justification form (Justification Prior to Legal Action Equality Act 2010) is completed before Notices are served; and
- We will provide feedback and reports to residents relating to our performance.

## 13.0 Grounds for possession

13.1 For the purposes of repossessing a tenant's home, the Housing Act 1996 defines the ground for repossession on the grounds of nuisance or annoyance as:

### 13.2 Ground 7a – Mandatory Ground for Possession

Any of the following conditions is met.

Condition 1 is that—

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and
- (b) the serious offence—
  - (i) was committed (wholly or partly) in, or in the locality of, the dwelling-house,
  - (ii) was committed elsewhere against a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
  - (iii) was committed elsewhere against the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and directly or indirectly related to or affected those functions.

Condition 2 is that a court has found in relevant proceedings that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, other than a provision requiring a person to participate in a particular activity, and—

- (a) the breach occurred in, or in the locality of, the dwelling-house, or
- (b) the breach occurred elsewhere and the provision breached was a provision intended to prevent -
  - (i) conduct that is capable of causing nuisance or annoyance to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
  - (ii) conduct that is capable of causing nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 3 is that the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under section 30 of the Anti-social Behaviour, Crime and Policing Act 2014 consisting of a breach of a provision of a criminal behaviour order prohibiting a person from doing anything described in the order, and the offence involved

- (a) a breach that occurred in, or in the locality of, the dwelling-house, or
- (b) a breach that occurred elsewhere of a provision intended to prevent
  - (i) behaviour that causes or is likely to cause harassment, alarm or distress to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
  - (ii) behaviour that causes or is likely to cause harassment, alarm or distress to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 4 is that -

- (a) the dwelling-house is or has been subject to a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, and
- (b) access to the dwelling-house has been prohibited (under the closure order or under a closure notice issued under section 76 of that Act) for a continuous period of more than 48 hours.

Condition 5 is that -

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under -
  - (i) section 80(4) of the Environmental Protection Act 1990 (breach of abatement notice in relation to statutory nuisance), or
  - (ii) section 82(8) of that Act (breach of court order to abate statutory nuisance etc.), and
- (b) the nuisance concerned was noise emitted from the dwelling-house which was a statutory nuisance for the purposes of Part 3 of that Act by virtue of section 79(1)(g)



of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance).

Condition 1, 2, 3, 4 or 5 is not met if -

- (a) there is an appeal against the conviction, finding or order concerned which has not been finally determined, abandoned or withdrawn, or
- (b) the final determination of the appeal results in the conviction, finding or order being overturned.

In this ground -

“relevant proceedings” means proceedings for contempt of court or proceedings under

Schedule 2 to the Anti-social Behaviour, Crime and Policing Act 2014;

“serious offence” means an offence which -

- (a) was committed on or after the day on which this ground comes into force,
- (b) is specified, or falls within a description specified, in Schedule 2A to the Housing Act 1985 at the time the offence was committed and at the time the court is considering the matter, and
- (c) is not an offence that is triable only summarily by virtue of section 22 of the Magistrates’ Courts Act 1980 (either-way offences where value involved is small).”

#### **Ground 14**

The tenant or a person residing in or visiting the dwelling-house -

- 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) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord’s housing management functions, and that is directly or indirectly related to or affects those functions, or
- c) has been convicted of-
  - a. using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
  - b. an arrestable offence committed in, or in the locality of, the dwelling-house.”

#### **Ground 14A**

The tenant or an adult residing in the dwelling-house has been convicted of an indictable offence which took place during, and at the scene of, a riot in the United Kingdom.

### **14.0 Monitoring and reporting**

#### **14.1 We will:**

- Record the number of incidents of ASB reported to us and the type of ASB;
- Record the number of Notice Seeking Possessions served;
- Monitor the number of ASB cases resolved through early intervention;

- Monitor the number of tenancies brought to an end through legal proceedings for ASB; and
- Monitor and report customer satisfaction in accordance with the Consumer Standard Tenant Satisfaction Measures.

## 15.0 Complaints

15.1 Where ASB complainants feel that we have not carried out our duties under this Policy they have the right to make a complaint to us under our Complaints Policy.

## 16.0 Equality, Diversity and Inclusion (EDI)

16.1 Throughout the operation of our ASB Policy and through our dealings with those involved in cases we will have regard to our EDI related policies at all times.

16.2 All customers (and their advocates) will have access to this document upon request or from our websites.

## 17.0 Publicising our approach to ASB

17.1 Our approach to ASB will be publicised to customers, potential customers and colleagues in a number of ways:

- Pre-tenancy interview and sign up documents
- Customer Newsletters;
- Coastline's Website;
- Customer portal;
- Intranet;
- Policy documents;
- Training; and
- Social Media.

The following legislation, guidance, policies and documents are associated with this Policy:

- Good Neighbour Policy;
- Respect – ASB Charter for Housing;
- Lettings & Allocations Policy;
- Probationary Policy;
- Hate Crime Policy;
- Domestic Abuse Policy;
- Equality, Diversity & Inclusion Policy;
- Mutual Exchange Policy;
- Safeguarding Adults and Children policies;
- Complaints Policy;
- Tenancy Agreements;
- Pet Policy;
- Equality Act 2010;
- Housing Act 1996;
- Housing Act 1988;
- Anti-social Behaviour Act (2003);
- Criminal Justice Act 2003; and
- Anti-social Behaviour, Crime and Policing Act 2014.

