



Housing Anti-Social Behaviour Policy

1. Policy Statement

This document outlines North Warwickshire Borough Council's policy for dealing with nuisance and anti-social behaviour and describes our commitment to tackling nuisance and anti-social behaviour.

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3. Scope

This policy applies to North Warwickshire Borough Council Housing Division. It applies to how the Council manages its housing stock and how we deal with anti-social behaviour in our neighbourhoods. There is a separate Council Wide Policy in respect of Crime Prevention and Anti-Social behaviour within the Borough of North Warwickshire.

4. Legislative Requirements and links

North Warwickshire Borough Council's policy is to comply with Section 218A of the Housing Act 1996 which places a duty on social landlords to publish anti-social behaviour policies and procedures. Other relevant legislation includes, but is not limited to:

- The Housing Act 1996
- Civil Evidence Act 1995
- Crime and Disorder Act 1998
- Data Protection Act 1988
- Housing Act 1988
- Children's Act 1989
- Anti-social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Equality Act 2010

5. Links to other Policies and Documents

- NWBC Lettings Scheme
- NWBC Introductory Tenancy Scheme
- NWBC Introductory and Secure Tenancy Agreement
- NWBC Asset Management Policy
- Safeguarding Adults Protocol
- Safeguarding Children Protocol
- Warwickshire Community Trigger Process

1. Introduction

North Warwickshire Borough Council is committed to tackling anti-social behaviour as we know that it can have a devastating impact on the lives of our customers in the communities that we work. Anti-social behaviour covers a range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home and/or community.

North Warwickshire Borough Council recognise that by providing a strong housing management service a real difference can be made to the quality of lives of local residents. The Council's Community Safety Team and Housing Management Team work closely with the local Police and other agencies to provide a coordinated and victim centred service.

2. Policy Statement

The Council will not tolerate nuisance or anti-social behaviour directed towards our tenants, their visitors or any others engaged in a lawful activity in the locality of our homes, including Council staff, contractors and other acting on our behalf. This policy sets out:

- Our commitment to tackling anti-social behaviour;
- Our overall approach in relation to anti-social behaviour;
- The methods we will use to tackle anti-social behaviour;
- Responsibilities for dealing with anti-social behaviour;
- How we will monitor anti-social behaviour

We will thoroughly investigate all complaints of nuisance/anti-social behaviour and we will do this by:

- Putting victims at the heart of our response to anti-social behaviour by undertaking their needs and dealing flexibly with any given situation
- Taking appropriate and proportionate action against those perpetrators (those causing the nuisance) of nuisance or anti-social behaviour whether it is being caused by them their visitors and / or their family.
- Providing as much support as possible to victims / reporters (those who the nuisance / anti- social behaviour is affecting) and / or witnesses.
- Recognising that prevention is better than cure, by adopting a multi-agency approach to tackling nuisance or anti-social behaviour, encouraging the use of an independent mediation service and promoting early intervention, we aim to resolve the majority of nuisance or anti-social behaviour complaints through voluntary means.

3. Definition of Anti-Social Behaviour

The Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour (ASB) as:

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

Nuisance is the interference with the right of specific people and signifies that the “right of quiet enjoyment” is being disrupted. Nuisance is an activity or condition that is harmful or annoying to others (e.g., music being played too loudly, kitchen doors being slammed, individuals arguing loudly).

Some examples of anti-social behaviour are:

- Rowdy behaviour including verbal abuse, insults, bullying, shouting;
- Noise nuisance
- Pets and animal nuisance
- Garden nuisance
- Graffiti
- Drug and alcohol related nuisance

This is not an exhaustive list of behaviours that fall within the definition of anti-social behaviour.

4. What we will not investigate

The Council is committed to developing and maintaining sustainable communities. We expect a reasonable level of tolerance between neighbours and will seek to make a fair evaluation on whether complaints that are made are reasonable. An important factor in sustaining communities is the recognition and acceptance by our customers that the initial responsibility to resolve disputes with other lies with them. The Council will therefore not investigate the following:

- Actions which amount to no more than customers going about their normal everyday activities, for example children playing
- Complaints which are not a breach of the terms of tenancy, for example, complaints of people staring
- Actions which amount to people not being pleasant to each other but are not sufficiently serious to justify our involvement
- Complaints about people being inconsiderate or thoughtless where there is no breach of tenancy, for example parking in a place that causes difficulties for others
- Complaints about other people having lifestyles that offend others, for example issues about differences in parenting, who people socialise with, how people dress, what they do in their own homes unless the behaviour is a breach of tenancy.

5. Conditions of Tenancy

Tenants will be expected not to breach the terms of their Tenancy Agreement. We will go through the terms of the tenancy with the tenant when they sign it. Any breaches of the tenancy will be investigated by the Tenancy Services Team. The Tenancy Agreement for both Introductory and Secure tenants at Section 5 – Anti-Social Behaviour states:

“You are responsible for your own behaviour and for that of anyone, including children, living in or visiting the property, whether permanently or temporarily.

You must make sure that you and anyone living with or visiting you:

- (a) Do not cause or act in a way, which is likely to cause annoyance, disturbance or be a nuisance to people living, visiting or working in the locality. Examples of annoyance, disturbance or nuisance include: loud music, arguing, door slamming, dog barking and fouling, offensive drunkenness
- (b) Do not harass; abuse or threaten people living, visiting or working in the locality

Harassment” includes but is not limited to:

- Violence or threats of violence towards any person including all our employees, our agents or our contractors;
 - Abusive or insulting words or behaviour;
 - Damage or threats of damage to another person’s property or home;
 - Writing threatening, abusive or insulting graffiti;
 - Any interference with the peace or comfort of any other person;
 - Hate crimes including racial harassment;
 - Sexual harassment;
 - Harassment because of a persons: sexuality, gender, gender reassignment, colour, race, age, nationality, ethnic or racial origins, disability, religion, marital status, HIV/AIDS status
- (c) Do not damage, misuse or dump rubbish on: communal areas, corridors, stairwells, shared entrances, play areas, anywhere else in the locality including any other property or land owned by us

You must make sure that you do not allow or encourage other people living with you or visiting your home to engage in behaviour described above.

You or anyone living with you must not make false or malicious complaints about the behaviour of another person.

You or anyone living at or visiting the property must not:

- Use the property for any criminal, immoral or illegal purpose which includes dealing in any illegal drugs, storing or handling stolen goods or prostitution; Possess keep or cultivate any illegal drugs in the property;
- Commit an arrestable offence in or within the locality;
- Use or threaten to use violence against any person living with you”

6. Preventing Anti-Social Behaviour

We aim to prevent anti-social behaviour from happening by adopting a number of approaches including:

- In some cases applicants will be excluded from joining the Council’s Housing Register or their reasonable preference will be reduced as detailed in the Council’s Lettings Scheme. Applicants who have a history of anti-social behaviour or other unacceptable behaviour serious enough to make them unsuitable to be a tenant may be excluded;
- A local lettings policy may be instigated for specific areas or developments to reflect local circumstances. Any such policy will be clearly stated and may have regard to considerations such as the social mix, strong local demand, density, age and community stability;
- All new customers will be made aware of their rights and responsibilities in relation to anti-social behaviour harassment and intimidation. Using interpreters and interpreted material in other formats if required;
- Introductory tenancies will be used and any tenancy breaches including perpetrating anti-social behaviour will be treated seriously and may result in an introductory tenancy being terminated or extended;
- Where possible ensuring ‘safe by design’ standards on new and regeneration schemes;
- Carrying out estate environmental improvements and asset replacement programs to existing schemes working with the Police to achieve improved levels of safety and security;
- Taking an active role in local crime and disorder partnerships and other local multi-agency groups and initiatives.

7. Tackling Anti-Social Behaviour

How each case is dealt with will depend on the specific circumstances of the complainant/victims and the perpetrators. Our aims are to:

- Make sure staff are trained and supported to deal confidently with anti-social behaviour complaints and are able to prioritise complaints based on the seriousness of the case and risk of harm;
- Ensure incidents of anti-social behaviour can be easily reported, for example during a home visit or interview with a member of our team, observations made by partner agencies alerting us to problems, by

face to face visit to the Council's One Stop Shop, letter, telephone, email, via the website as well as via an out of hours service;

- Ensure cases are logged on the Council's IT Housing System, a record of incidents and action taken is retained and kept up to date;
- Ensure all incidents received are categorised, prioritised and responded to within the prescribed timescales below;

Category	Contact with complainant	Interview with complainant
Personal	Within 1 working day	Within 1 working day
Nuisance	Within 2 working days	Within 5 working days
Environmental	Within 3 working days	Within 10 working days

- Ensure a vulnerability assessment is completed using the Vulnerability Assessment Matrix at the initial assessment interview for cases categorised as 'personal';
- Deal with incidents sensitively and appropriately taking into account the impact the behaviour is having;
- Investigate complaints fairly and impartially;
- Ask at the outset what the complainant is expecting and what would be a satisfactory outcome for them, giving us the opportunity to be honest with them about what can and cannot be achieved;
- Develop an action plan with the complainant and keep complainants informed of progress;
- Maintain appropriate confidentiality and act in accordance with Data Protection legislation;
- Ensure actual or potential perpetrators of anti-social behaviour are fully aware of the consequence of their actions. Where appropriate, identify any support needs and engage the appropriate support services to assist the perpetrator in modifying their behaviour;
- Where appropriate and relevant undertake case work in partnership with the Police and other agencies to find possible solutions;
- Consider the most appropriate tools to use, including non-legal and legal remedies to resolve the problem according to the available evidence;
- Where appropriate work with the Police and other Council departments in relation to securing other legal tools that are available for example,
 - Community protection notice
 - Criminal Behaviour Orders
 - Public Space Protection Orders
 - Closure Notices and Orders
 - Dispersal Powers
- On a case by case basis tailor the support to victims, their families and any witnesses and identify any external support/witness services provided by other agencies e.g. the Police, victim support or community support schemes and help them to access these;
- Take swift and effective action against perpetrators where necessary;

- In very serious cases and where this is the most appropriate solution attempt to facilitate a move for the victim. A management move may be instigated in line with the Lettings Scheme;
- Inform the complainant if the case is to be closed and explain why;
- Ensure incidents of anti-social behaviour are accurately recorded and monitored on the Council IT housing system;
- Use a range of methods including publicity to ensure a clear message that anti-social behaviour will not be tolerated is communicated to our customers, the wider community and housing applicants;
- Monitor performance on how we deal with anti-social behaviour and regularly report achievement against targets to the relevant performance meetings

8. Support for complainants, victims, their family and witnesses

In all anti-social behaviour cases we shall take into account the wishes of complainants, victims and witnesses. We shall keep in touch and review the case with them on a regular basis. We will consider at an early stage and on an on-going basis what we can do to support them considering each case individually. We will undertake a vulnerability assessment and have regard to this when we develop the action plan. We shall consider how we can work with other agencies, if available in their community, to ensure the appropriate support is available.

If the anti-social behaviour is caused by a customer of another landlord or is a home owner but one of our customers is the victim, we will work to share information and support our customer. The Council will work with the Police, partner agencies and other divisions within the Council to take appropriate actions to support our customer and seek resolution to their complaint.

Where we identify a threat to a complainant's health and safety we will work with partner agencies and other divisions to provide them with additional safety features and ensure that they are aware of who to contact in the event of an emergency.

If the complainant has a family member who is supporting them or a support worker, we will liaise with them if we have permission to do so from the complainant.

A management move may be considered in serious cases where there are no other options in accordance with the Council's Lettings Scheme.

We will support witnesses if they are required to give evidence at court for example, by letting them know what to expect, helping them to prepare and assisting them with transport.

9. Support for perpetrators

We appreciate that some perpetrators may be vulnerable and will need help and support to enable them to sustain their tenancy and reduce the risk of losing their home. Where appropriate, we will work with both internal and external support services and external specialist agencies.

Where the complainant has agreed, we will ensure the alleged perpetrator is made fully aware of the allegations that have been made and understand what their responsibilities are to given them opportunity to rectify their behaviour.

In accordance with the Equality Act 2010 we will ensure that any legal action that we take against a perpetrator does not discriminate against them because of a disability that they have or for any other reason.

Where an alleged perpetrator's behaviour poses an immediate threat to others health and safety we will take immediate enforcement action against them regardless of their support needs.

10. Multi Agency Working

We see effective multi-agency working as vital to a successful response to anti-social behaviour. We are members of the North Warwickshire Community Safety Partnership which is represented by organisations such as the Police, Local Authorities, Health, Probation, the Youth Offending Service, Social Services, Education, Fire Brigades and other social housing providers working in the Borough. Housing attends regular Case Management Meetings with the Police to discuss current cases and agree any joint work.

Housing also works closely with the Council's Community Development Team who has a corporate responsibility for addressing anti-social behaviour in the Borough.

In all cases of anti-social behaviour we will make contact with any appropriate partner agencies at the earliest opportunity.

Any requests for information will be made in accordance with Section 29 of the Data Protection Act 1998 and Section 115 of the Crime and Disorder Act 1998 – Disclosure of Relevant Information.

11. Using Professional Witnesses

The term "professional witness" is used to describe anyone who is working in a formal capacity by observing, recording incidents, making witness statements and giving evidence in court when required. Professional witnesses are widely used in proceedings to combat anti-social behaviour. These can range from council officers, police officers, health authority employees or professional surveillance personnel.

Council Officers may be required to act as professional witnesses in order to give evidence to support a case of anti-social behaviour. The Council will consider using a professional witness to support a case. This includes internal or external contractors that provide and install CCTV surveillance equipment, whose evidence and findings may be used in legal proceedings.

12. Training our colleagues

North Warwickshire Borough Council provides a range of training and development activities to ensure that all relevant colleagues are:

- Aware of and can use effectively the anti-social behaviour policy and procedures;
- Trained in all aspects of dealing with anti-social behaviour, domestic abuse, hate crime, harassment and intimidation;
- Able to apply good practice

13. Protecting our colleagues

We will not tolerate abuse or threats towards our colleagues and/or contractors. Legal action may be taken against customers and/or other members of the community, who assault, threaten to harm or who verbally abuse our internal or external colleagues.

14. Confidentiality and Information Sharing

As members of the Community Safety Partnership we will share relevant and required information as and when appropriate which helps all members tackle crime and anti-social behaviour effectively. Information will only be exchanged in accordance with Data Protection Act.

The type of information shared can vary on a case by case basis. Before we share any personalised information an assessment will be carried out to ensure the public interest outweighs the rights an individual has to privacy.

We will maintain appropriate records of anti-social behaviour, harassment and intimidation. All information is confidential and will not be released to a third party unless either agreed by the complainant or victim or under the terms of the data exchange/sharing protocols and agreements.

We may publish case resolutions in the media where information has already been made available in the public domain. We may do this to encourage other witnesses and victims to come forward in other cases and also where it may act as a deterrent.

15. Safeguarding

Where Case Officers identify safeguarding concerns, in cases involving children or vulnerable adults, they will make a safeguarding referral in line

with the Safeguarding Adults and Safeguarding Children policies in liaison with our designated Safeguarding Officer.

16. Making a complaint and the Community Trigger

If customers are not happy with the way we are handling cases they can be referred to our complaints policy and procedure. If a complaint is received under the “Community Trigger”, this will be dealt with in accordance with the Warwickshire Community Trigger process and not the Council’s complaints procedure.

The Warwickshire Community Trigger has been determined as being when:

A person has reported 3 separate incidents relating to same problem in the past 6 months to the Council, Police or their landlord and feels that insufficient action has been taken to resolve the matter.

OR

At least 5 people have made reports about the same problem in the past 6 months to the Council, Police or their landlord and feel that insufficient action has been taken to resolve the matter.

When a Trigger is received and the threshold has been met a review of the case will be undertaken by a Senior Officer not involved in the case. The review will consider if further information is needed and what previous actions have been taken. Information about the case will be shared with other relevant bodies and where further action can be taken; a plan will be agreed and actively monitored with regular updates provided to the victim.

If applicants are not satisfied with the outcome of the review into their case or the decision that they did not meet the trigger threshold, they have a right of appeal. Appeals should be made to the relevant body within 28 days of an applicant being provided with the outcome of the Trigger request.

If the complaint is a NWBC Council tenant, the Housing Services Manager will review the case and provide any required information for any review being undertaken as part of the Community Trigger process.

17. Equality and Diversity

We will ensure that this policy is applied fairly and consistently to all our tenants, residents, and other customers. We will not directly or indirectly discriminate against any person or group of people because of their sexuality, gender, gender reassignment, colour, race, age, nationality, ethnic or racial origins, disability, religion, marital status, HIV/AIDS status or any other grounds set out in our equality and diversity policy.

18. Roles and Responsibilities

The Assistant Director (Housing) will have the overall responsibility for the implementation of this policy.

The Housing Services Manager is responsible for the operational delivery of this policy and the associated procedures in conjunction with the Tenancy and Neighbourhood Services Manager.

Housing Management Staff are responsible for implementing the operational delivery of this policy and the associated procedures appropriate to their level of authority.

Any cases requiring legal action will be overseen by the Tenancy & Neighbourhood Services Manager in conjunction with the Council's Legal Team.

Cases will be escalated in accordance with the agreed escalation procedures.

19. Monitoring and Review

We will routinely monitor our performance in implementing this policy and report these results to the relevant performance meetings. Results against the key performance indicators will be reported in the Tenants Annual Report.

Customer feedback will be sought via the Tenants Annual Survey and other tenant feedback mechanisms.

We will carry out a full review of this policy and associated procedures every 3 years to ensure they are effective and comply with current legislation and good practice unless there is a major change in legislation.