



## Policy Outline

### Antisocial Behaviour Policy

#### Overall purpose of policy

To ensure we address acts of antisocial (ASB) and nuisance behaviour affecting our communities by responding quickly and effectively to reports of ASB and using available resources to support victims and witnesses, allowing residents to feel safe and live peacefully in their homes.

#### How the policy will be implemented

We will ensure residents can live safely in their homes by using available resources and powers to deal with acts of ASB, including:

- undertakings;
- injunctions;
- Acceptable Behaviour Contracts (ABCs);
- possession orders; and
- demotion orders.

We will work in partnership with other agencies, adopting a harm centred approach to reduce ASB through a balance of prevention, support and enforcement actions.

We will support victims and witnesses by regularly keeping them informed of the progress of their complaint and protecting those who are most vulnerable.

#### Performance measures, targets and triggers

We will measure our performance by monitoring:

- ASB cases actioned within five working days, targeted at 100%;
- the number of new ASB cases reported;
- percentage of customers satisfied with how their ASB complaint is managed, targeted at 90%;
- percentage of customers satisfied with the outcome of their ASB complaint, targeted at 90%;
- percentage of customers willing to report ASB issues to us again in the future, targeted at 90%; and
- tenant satisfaction with overall housing service provided by the landlord, targeted at 90% satisfaction with the neighbourhood as a place to live.

The following performance will trigger a review of the policy:

- 85%, or below, of ASB cases actioned within five working days; or
- 80%, or below, of customers willing to report ASB issues to us again in the future.

<b>Date Approved By CMB:</b>	22 October 2019
<b>Date Approved By Operational Committee:</b>	21 November 2019
<b>Date Due For Review:</b>	November 2022
<b>Responsible Officer:</b>	Community Safety Manager

# Antisocial Behaviour Policy

## 1 Statement of intent

- 1.1 We firmly believe that everyone has the right to live peacefully in their home without suffering disturbance or nuisance from others. All tenants, including household members and visitors, must respect the privacy and quiet enjoyment needs of all others. This principle not only applies to the area around people's homes but to the communities where they live.
- 1.2 We will be responsible for making sure that all tenants, including their family members, lodgers and visitors, comply with the full terms of their Tenancy Agreement, to ensure that all residents can enjoy their homes without fear of persistent nuisance or ASB.
- 1.3 We will not tolerate any distress caused to others by those involved in persistent nuisance and ASB. We will pursue the full range of enforcement actions available to effectively combat the behaviour of offenders and will seek to enforce the tenancy conditions wherever necessary.

### **Our Tenancy Agreement states:**

Your responsibilities for your own behaviour, members of your household and visitors are not confined to your home. They also apply to the area around your home and the community you live in.

You or anyone visiting your home or living with you must not:

- do, or allow anything which causes a nuisance, annoyance or disturbance to any other person;
- engage in drug dealing or engage in or permit others to take part in the consumption, or possession of illegal substances;
- damage, deface or put graffiti on any of our property, other property or buildings;
- engage in any illegal, immoral or unlawful activity;
- allow rubbish to accumulate in or around your home and you must make sure that rubbish is not dumped on any other surrounding area or land owned by us;
- throw or drop any items from any parts of block or flats or other buildings owned by us;
- damage or interfere with security and safety equipment in shared areas and should not let strangers into shared areas without proper identification;
- tether horses, ponies, donkeys or any other livestock on any open plan areas or other land owned by us or Wakefield Council; or
- engage in unauthorised off road motorcycling.

- 1.4 We are committed to ensuring that our ASB service is accessible to all tenants and residents of the communities we serve. It is important that anyone who is suffering harm can access our services in a way that is convenient and appropriate to them.
- 1.5 We will respond promptly, proportionately and flexibly to incidents of ASB using a multi-agency partnership approach. We will offer support to victims and keep complainants and the wider community regularly updated, as appropriate.
- 1.6 We will prioritise the identification and protection of high risk or vulnerable victims of ASB. A vulnerable victim is one whose experience of ASB, and its resulting harm, is likely to be more significant because of their personal circumstances.
- 1.7 Alongside our partners, such as Wakefield Council, West Yorkshire Police, Victim Support and community groups, we will work to develop safe and confident neighbourhoods as outlined in our Community Safety Strategy, Customer Charter Standards and Business Strategy 2020. Our Community Safety objectives are to:
  - tackle ASB;
  - help victims and vulnerable people;
  - help reduce property (acquisitive) crime; and
  - improve neighbourhoods.
- 1.8 We will aim to provide an early intervention to all complaints of nuisance behaviour and will consider the use of mediation where appropriate. However, we encourage all residents to first attempt to resolve disputes themselves in a reasonable manner, respect others' rights to their chosen lifestyle and be tolerant of everyday behaviours and reasonable levels of disturbance.
- 1.9 We will work with perpetrators of ASB to change their behaviour wherever possible, including working with the Wakefield Youth Offending Team and other agencies, to help provide diversionary activities for young people who are at risk of being involved in ASB or crime.
- 1.10 The ASB, Crime and Policing Act 2014 introduced new tools and powers for dealing with ASB. We will confidently and proportionately utilise these powers to curb nuisance behaviour and will continue to put victims first.
- 1.11 In certain circumstances we will publicise the work we do to tackle ASB and the outcome of successful enforcement actions to increase community confidence, deter further ASB and assist in the enforcement of court orders.

## 2 Outline of service

2.1 The term ASB includes a wide range of activities, from those which cause minor nuisance and annoyance to those which cause significant alarm, fear or distress to others, and can be motivated by a number of factors.

2.2 We define ASB in accordance with the ASB, Crime and Policing Act 2014 as follows.

- 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.
- c) Conduct capable of causing housing-related nuisance or annoyance to any person.

2.3 **'Person'** includes anyone who has the right to live in property owned or managed by us, those living in any other property in the neighbourhood, for example, owner occupiers, tenants of other landlords, and anyone else lawfully in such property or in the locality.

**'Housing – related'** means any activity that directly or indirectly relates to the housing management functions of us and work that is undertaken in the day to day management of our properties and neighbourhoods. This can include:

- resident involvement;
- repairs and maintenance; and
- neighbourhood management.

2.4 We will work with other agencies and local communities to pursue the full range of enforcement action against persistent nuisance offenders. This can include possession orders, injunctions, ABCs and demotion orders and undertakings, where appropriate. We will consider possession action where there is serious ASB or where all other actions have failed to resolve ASB issues. However, our priority as a registered provider is to ensure tenancies are sustained and to avoid simply moving problems elsewhere.

2.5 In accordance with the ASB, Crime and Policing Act 2014, we will consider applying to the court for mandatory possession if one of five ASB conditions are met. Where we intend to rely on the mandatory ground for possession the tenant will have the right to a review of this decision.

2.6 We will also work with our community safety partners to support their use of available powers, such as:

- Noise Abatement Notices.
- Criminal Behaviour Orders (CBO).
- Injunctions.
- Public Space Protection Orders.
- Closure Powers.
- Community Protection Orders.
- Dispersal Powers.

- 2.7 We will work with Wakefield Council's ASB Team and West Yorkshire Police to take appropriate enforcement action and direct resources to where they are most needed to tackle and prevent ASB.
- 2.8 We will take complaints of nuisance or ASB from a number of sources. For example, phone calls to OneCALL and at service access points or hubs, in writing, requests for rehousing, councillors' and MPs' enquiries, from community safety partners and through our website.
- 2.9 Our OneCALL service will give complainants the opportunity to report incidences of nuisance and ASB, 24 hours a day, every day. Advice and assistance will be given and in certain circumstances a response will be arranged from our out of hours service to witness nuisance and provide reassurance and support.
- 2.10 When an initial complaint is received we will identify the type of nuisance that is occurring, its frequency and severity and whether it constitutes ASB, giving consideration to the vulnerability of the victim.
- 2.11 We understand that a victim of ASB is vulnerable if the conduct in question causes an adverse impact on their quality of life. Adverse impact includes the risk of harm, deterioration of health, mental or emotional wellbeing or an inability to carry out normal day to day activities due to fear or intimidation.
- 2.12 ASB activities include, but are not limited to:
- actual or threatened violence against people or property;
  - domestic violence;
  - sexual abuse;
  - foul language;
  - hate behaviour, which is intended to target a member or members of a specific identified group because of their perceived difference;
  - loud music;
  - use of insulting, threatening or aggressive words or behaviour;
  - uncontrolled pets and animals;
  - intimidating gatherings of people in public places;
  - using and selling drugs;
  - prostitution;
  - damage to property, including graffiti and vandalism;
  - nuisance from vehicles including parking and abandonment; and
  - rubbish dumping and misuse of communal areas.
- 2.13 We will, where appropriate, respond to ASB complaints by developing an action plan which will involve the complainant in outlining actions to be taken and agree regular contact.
- 2.14 We recognise the anxiety and distress that ASB can cause and will take appropriate measures to support residents to feel safe, secure and able to report incidents of ASB. This includes keeping in regular contact to prevent people feeling isolated and working closely with partner agencies.

- 2.15 In cases where individual complainants are frightened to give evidence in court due to fear of reprisals against them, we will seek to explore other means of evidence collection, including utilising the Tenancy Support Team, the Out of Hours Team and covert compliant video and audio recording equipment, where appropriate.
- 2.16 If action at local level fails to stop the ASB and it is ultimately decided that court proceedings should be instigated, for possession proceedings, demotion or an injunction, we will ensure that the resolution sought is proportionate to the behaviour of the perpetrator(s).
- 2.17 We will ensure the evidence collected to support legal action is as strong and comprehensive as possible. We will also apply to the courts for Certificates of Conviction, where these will help as supporting evidence.
- 2.18 We will ensure that all employees receive relevant and full training and are kept up to date with changes in legislation, policies, procedures and acknowledged good practice to enable them to manage incidents of ASB effectively.
- 2.19 Where a housing applicant has a history of serious criminality comprising of unspent convictions or involvement with serious ASB, we may decide that they do not qualify for accommodation in accordance with our existing Choice Based Lettings Policy. Where it is felt that qualification is in doubt due to past behaviour, we will undertake case reviews through a multi-agency panel.
- 2.20 We will consider, where appropriate, providing audio recording, video recording or photographic equipment for residents who are willing to help gather evidence and will ensure the appropriate legislative requirements are met.

### **3 Specific needs**

- 3.1 We will take into account the specific needs of all employees, customers and other stakeholders which may arise in accordance with this policy. These needs relate to taking account of all differences, whatever they maybe. We will particularly promote equality and inclusiveness, in line with our Diversity and Inclusion Policy, based on the nine protected characteristics. During the review and development of this policy an equality assessment has been completed to consider those with protected characteristic and mitigate any impact on them from delivery of this policy.
- 3.2 We will adopt a harm centred approach and complete a Risk Assessment to identify if a victim is vulnerable, as referenced in 2.11.
- 3.3 Where we identify specific support needs for the perpetrators of ASB, a referral will be made to an appropriate support agency.

- 3.4 We will always consider issues of vulnerability where, for example, it is felt that ASB is associated with a person's disability, mental health or drug and alcohol abuse. In such cases we will apply the relevant provisions of the Equality Act 2010 and other relevant legislation, seeking the intervention and support of partner agencies as appropriate. If the victim, or any other witness, perceives that the ASB is targeted because of their disability or other protected characteristic, we will treat it as a hate incident.

## 4 Consultation

### Internal

- 4.1 The policy has been circulated to relevant WDH3 and above managers for consultation.

### External

- 4.2 The policy has been approved by the Wakefield ASB Management Group (us, Wakefield Council and West Yorkshire Police) which meets regularly to review all aspects of ASB within the Wakefield district.
- 4.3 The Community Excellence Group has been consulted on this policy review and will continue to be consulted with on any future reviews of this policy.

## 5 Responsibility for implementation

- 5.1 Our Board and Chief Executive are responsible for ensuring that this policy is implemented.
- 5.2 Under the delegated authority contained within our [Standing Orders](#) it is the responsibility of all employees and those working on our behalf to ensure that their work is carried out in line with this policy and any related procedures.
- 5.3 We are committed to the highest standards of customer care and will apply this policy in line with the standards published in our Customer Charter Standards. If customers are dissatisfied with the service that they have received or with the application of this policy, they should refer to our Complaints and Compensation Policy.

## 6 Monitoring

- 6.1 Our Board will receive regular monitoring reports to evaluate the effectiveness of this policy in meeting customer expectations.
- 6.2 We will undertake surveys to monitor the satisfaction of our tenants with the service provided and will publish the results.
- 6.3 Where relevant information is available we will benchmark our performance against other organisations to ensure the highest standards of service delivery.

## **7 Review**

- 7.1 We will undertake a review of this policy whenever there are any relevant changes to legislation, regulatory requirements, case law or good practice that would impact on this policy or in the light of any required service improvements identified through internal audits, service reviews, learning from complaints or regulatory judgements. Considerations will also be made where performance against the policy's measures and targets meet or are forecasted to hit the triggers identified.
- 7.2 We will regularly review service provision and will undertake reviews, when appropriate, to ensure continuous improvements and value for money in the delivery of our services.
- 7.3 Our Board and / or the Corporate Management Board will be responsible for ensuring that reviews of this policy are carried out and that the policy contributes to, and complements, our strategic objectives.
- 7.4 In carrying out any such review account will be taken of our commitment to diversity and inclusion. For further information please refer to our Diversity and Inclusion Policy.

## **8 Risk**

- 8.1 The potential risks relating to this policy have been identified and are being managed in accordance with our Risk Management Policy.
- 8.2 The following identified risks relevant to this policy.
- Ref 111 – Safe, clean estate environments.  
Ref 127 – Failing to ensure that Policies and Procedures remain fit for purpose.  
Ref 200 – Not having suitable arrangements to ensure compliance with relevant legislation.

## **9 Legislation and Other Documents**

- 9.1 We will ensure that this policy complies with all relevant legislation and takes account of current best practice.
- Housing Act 1996.
  - Crime and Disorder Act 1998.
  - General Data Protection Regulation (GDPR) – Data Protection Act 2018.
  - Antisocial Behaviour Act 2003.
  - Antisocial Behaviour, Crime and Policing Act 2014.
  - Equality Act 2010.
  - Modern Slavery Act 2015.
  - Respect Standard for Housing Management.
  - WDH Hate Incident Policy.
  - The Regulatory Framework for social housing in England and Wales from April 2015 – Homes England (formerly Homes and Communities Agency).