Housing Services Anti-Social Behaviour Policy

# Introduction

* 1. This policy outlines how Medway Council Housing Services (the Council) commits to preventing and tackling anti-social behaviour (ASB) that involves or affects Medway Council tenants and leaseholders.
  2. This policy establishes the Council Housing Service’s position in tackling ASB. It covers issues of ASB, harassment and hate crime. Unless otherwise stated, it uses the term ASB to incorporate harassment and hate crime. Domestic abuse and violence are dealt with through a separate policy and procedure, although we recognise that other forms of ASB such as noise can be an indicator of domestic abuse and we will be sensitive to and consider this in our investigations.

# Purpose

* 1. The specific objectives of the Anti-Social Behaviour policy are:
  2. To set out the Council’s approach to responding to reports of ASB.
  3. To provide a framework for internal governance of ASB including regular reviews and audits.
  4. To offer guidance to the Councils partners and victims of ASB.
  5. To demonstrate our commitment as members to address the core components of the RESPECT ASB Charter.

# Scope

* 1. The Council will investigate all reports of ASB that involve Medway Council tenants or leaseholders, including their visitors and members of their household.

**Definitions**

* 1. Medway Council defines ASB in line with the ASB, Crime & policing Act 2014 as
     1. Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
     2. Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or
     3. Conduct capable of causing housing-related nuisance or annoyance to any person

**Harassment**

* 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 so Medway Council will work with the Police. Where appropriate to do so, the Council will take tenancy enforcement action as a result of evidence obtained by the Police or on conviction.
  2. 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 action on racist grounds and/or there is evidence of racism. These are generally criminal offences so Medway Council will work with the Police. Where appropriate to do so, the Council will take tenancy enforcement action as a result of evidence obtained by the Police or on conviction.
  3. Cuckooing is a term used when a person or persons move into a tenant’s home and ‘take over’ – usually for the purposes of dealing drugs. The tenant who is subject to cuckooing is usually vulnerable. Where the Council suspects that ASB is related to cuckooing, we will take appropriate action to deal with the ASB and protect the neighbourhood, and we will also consider if the tenant is also a victim and provide support accordingly.
  4. Mate Crime is a term used when a person is harmed or taken advantage of by someone they thought of or think of as a friend. Examples of Mate Crime may include financial abuse/theft, use of the tenant’s home for illegal purposes, or forcing the tenant to commit crime. Medway Council will do what it can to support victims of Mate Crime and where the perpetrators are Council tenants will take appropriate action under this policy.

**Tolerance & Respect**

* 1. Medway Council believes that everyone has the right to their chosen lifestyle providing this does not adversely affect the quality of life of others. This necessitates a degree of tolerance of and respect for, the requirements and needs of other people and we will promote this to tenants and leaseholders when responding to their concerns.

# Legislation and Guidance

* 1. Internal
     1. Tenancy management policy and procedure
     2. Medway Council Tenancy Agreement(s)
  2. External
     1. The Housing Act 1985 Ground 2
     2. The Housing Act 1985 Ground 2
     3. Environmental protection Act 1990
     4. Noise Act 1996 Section 2
     5. Police Reform Act 2002
     6. Anti-Social Behaviour Act 2003
     7. CRE Code of Practice on Racial Equality in Housing 2006
     8. The Respect ASB Charter
     9. Anti-Social Behaviour, Crime and Policing Act 2014
     10. Regulation of Investigatory Powers Act 2000
     11. Kent and Medway Information Sharing Agreement
     12. Dangerous Dogs Act 1991
     13. Race Relations (Amendment) Act 2000
     14. Anti-social Behaviour, Crime and Policing Act 2014
     15. Localism Act 2011
     16. Domestic Abuse Act 2021

# Policy

* 1. The Council aims to make it easy and uncomplicated to report ASB, and ways to report it will be published online, and explained to all new tenants.
  2. The Council will record and monitor each case and keep complainants advised of progress made to provide effective case management.
  3. Following assessment of the urgency and victim’s circumstances, ASB reports will be recorded as either high or medium priority incidents and responded to within either one or five working days respectively.
  4. A Housing Officer will be allocated to deal with ASB reports. A senior officer will provide support and guidance.
  5. Following an initial report of ASB, the housing officer will contact the victim, undertake a risk assessment to determine the type of support to be provided to the victim or victims and agree actions in an effort to resolve the issue.
  6. The council will take all practical steps to safeguard and protect tenants that are deemed to be vulnerable as a result of old age, physical or mental illness or learning disabilities or other special reasons

## Prevention

* 1. The Council will review all nominations that are made through the allocations system and refuse applications where the Allocations Policy provides for this.
  2. Applicants that are offered a Medway Council tenancy will be informed of the council’s expectations and the terms of the tenancy agreement, at the pre tenancy stage.
  3. The Council will refuse applications for a mutual exchange if possession proceedings have been started or a Notice of seeking possession is in force.
  4. The Council will grant [introductory tenancies](http://www.medway.gov.uk/housing/councilhousing/counciltenants/medwaycounciltenancies/introductorytenancies.aspx) to new tenants, in accordance with the Councils Tenancy Management policy.
  5. The Council may extend an introductory tenancy by six months in accordance with the Housing Act (2004) (Part 6) if it has concerns about the conduct of the tenancy.

## Enforcement

* 1. The Council will use a variety of tools and powers available to tackle ASB including but not limited to:
     + Possession using discretionary grounds including if ASB is caused outside of the locality and where it is targeted towards staff and/or contractors
     + Mandatory possession against an introductory tenant
     + Possession using ‘absolute grounds’ against a Secure tenant
     + Secure tenancy demotion
     + Civil Injunctions in serious cases for tenants and household members aged 10 years and above which may include issuing of legal proceedings for an injunction ‘without notice’ and exclusion from the home Breach of an injunction is contempt of Court and punishable by imprisonment or fine
     + Criminal Behaviour Order where there has been a relevant conviction. An order may include ‘positive requirements’ to try and address the underlying causes of the ASB where appropriate.
     + Closure Order to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
     + ASB Injunction, where the conditions are met, and which could include ‘positive requirements’ to try and address the underlying causes of the ASB where appropriate.
     + A Public Space Protection Order where wider communities are affected (and working in partnership with other agencies)
     + Issuing of Community Protection Warnings and Community Protection Notices where behaviour has a detrimental impact on the local community.
  2. The decision to use a power will be made after a review of each case, testing the reasonableness, proportionality and in the requirements of the law. Legal advice will be sought where required.

## Support and Partnerships

* 1. When it is in the interests and knowledge of the victim, the council will work alongside partner organisations that specialise in areas such as domestic abuse or hate crime.
  2. Depending on the nature of the ASB, The Council (Housing Service) may expect other Council or non-Council agencies to lead on case management and action.
  3. The Council will encourage residents to resolve their differences themselves and will encourage ‘mediation’ if it is appropriate and both parties are willing to participate.
  4. The Council will expect residents to have attempted to resolve issues themselves in, most non-serious cases before it will consider intervention.
  5. The Council will provide help and support to both victims and witnesses by remaining in regular contact and signpost to specialist organisations.
  6. The Council will share evidence with partners that have the powers to issue fixed penalty notices, and provide recordings of unreasonable noise that may lead to equipment being seized in accordance with the [Noise Act (1996) S.2](http://www.legislation.gov.uk/ukpga/1996/37/contents).
  7. The Council will work proactively with other agencies such as the Youth Service to assist in setting up diversionary activities where appropriate.
  8. The Council will handle CCTV images in accordance with Data Protection Laws and may disclose images as evidence of ASB or criminal activity and/or provide the information to the Police.
  9. The Council will cooperate when requested to share information (such as the location of and type of ASB reports made), in order to prevent and tackle ASB under regulations by The Regulator of Social Housing, or if there is a ‘Community Trigger’ review.
  10. When it is considered by the Police as the appropriate action in response to ASB, the Council will work in partnership to agree the content of acceptable behaviour agreements and parenting contracts. These will be used in further legal action if the conditions are breached.
  11. After considering whether it is appropriate to apply for an injunction, if the perpetrator is under 18 years of age, before applying for an injunction the council will consult with the Youth Offending Team and any other body deemed appropriate.
  12. Where partners such as the police or social services recommend that the risk is substantial enough, the Council will consider using its discretion to offer the victim an alternative property within its stock.
  13. The Council will attend partnership forums and represent the interests of and promote the involvement of the Council’s Housing Services team.

# Role, responsibilities and authority

* 1. The Assistant Director of Culture and Community retains the overall responsibility for the implementation of this policy.
  2. The Head of Housing is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

# Monitoring, review and evaluation

* 1. The Council will regularly monitor our ASB performance and where benchmarking services exist, will benchmark our performance against similar organisations.
  2. When a case is closed, we will send a satisfaction survey to the person that reported the case and use the feedback provided in an effort to continuously improve the service.
  3. This policy will be reviewed on a biennial basis or in line with legislative or regulatory changes.

This version published: October 2021

Next review due: October 2023