



## **Anti-Social Behaviour Policy**

### **1. Introduction**

- 1.1 This policy outlines how Medway Council Housing Services (the Council) commit to preventing and tackling anti-social behaviour (ASB) that involves or affects Medway Council tenants and leaseholders.
- 1.2 Medway Council defines ASB in line with the Crime and Disorder Act (1998) as, “acting in a manner that caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household”.

### **2. Purpose**

- 2.1 The specific objectives of the Anti-Social Behaviour policy are:
  - 2.1.1 To provide a framework for internal governance of ASB including regular reviews and audits
  - 2.1.2 To offer guidance to the Councils partners and victims of ASB
  - 2.1.3 To demonstrate our commitment as members to address the core components of the RESPECT ASB Charter

### **3. Scope**

- 3.1 The Council will investigate all reports of ASB that involve Medway Council tenants, and/or leaseholders, including their visitors and members of their household.
- 3.2 This policy applies to all tenure and occupancy types and Medway Council staff involved in repair duties including contractors and sub contractors used on the Councils behalf.

### **4. Legislation and Guidance**

#### **4.1 Internal**

- 4.1.1 Tenancy management policy and procedure
- 4.1.2 Medway Council Tenancy Agreement(s)

#### **4.2 External**

- 4.2.1 The Housing Act 1985 Ground 2
- 4.2.2 The Housing Act 1996 Part 8 and S.124 - 130
- 4.2.3 The Housing Act 2004 Part 6
- 4.2.4 Equality Act 2010
- 4.2.5 The Protection from Harassment Act 1997
- 4.2.6 Human Rights Act 1998
- 4.2.7 Crime and Disorder Act 1998
- 4.2.8 Environmental protection Act 1990
- 4.2.9 Noise Act 1996 Section 2

- 4.2.10 Police Reform Act 2002
- 4.2.11 Anti Social Behaviour Act 2003
- 4.2.12 CRE Code of Practice on Racial Equality in Housing 2006
- 4.2.13 The Respect ASB Charter
- 4.2.14 Anti-Social Behaviour, Crime and Policing Act 2014
- 4.2.15 Regulation of Investigatory Powers Act 2000
- 4.2.16 Kent and Medway Information Sharing Agreement
- 4.2.17 Dangerous Dogs Act 1991
- 4.2.18 Race Relations (Amendment) Act 2000
- 4.2.19 Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers, Statutory guidance for frontline professionals
- 4.2.20 Localism Act 2011

## **5. The Policy**

- 5.1 The Council will publicise a number of ways to report anti-social behaviour that includes an out-of-hours reporting service.
- 5.2 The Council will record and monitor each case and keep complainants advised of progress made to provide effective case management.
- 5.3 Following assessment of the urgency and victims tolerance, ASB reports will be recorded as either high or medium priority incidents and respond to them within either one or five working days respectively.
- 5.4 A Housing Officer will be allocated to deal with ASB reports. A senior officer will provide support and guidance on high priority ASB cases.
- 5.5 Following an initial report of ASB, the housing officer will visit the victim and agree actions in an effort to resolve the issue, and undertake a risk assessment to determine the type of support to be provided to the victim or victims.
- 5.6 The council will take all practical steps to safeguard and protect tenants that are vulnerable as a result of old age, physical or mental illness or learning disabilities or other special reasons

## **5.7 Prevention**

- 5.8 The Council will discourage ASB by removing entitlement to services for tenants that the Council has begun legal proceedings against.
- 5.9 The Council will review all nominations that are made through the allocations system and refuse applications where the Allocations Policy provides for this.
- 5.10 Applicants that are offered a tenancy will be informed of the council's expectations of their behaviour and the terms of the tenancy agreement at the pre tenancy stage.
- 5.11 The Council will refuse applications for a mutual exchange if possession proceedings have begun or a notice of seeking possession is still in force.

5.12 In accordance with the Housing Act (1996) S.124-130 the Council will grant introductory tenancies to applicants that it permits, excluding security of tenure for a period of 12 months.

5.13 The Council will extend an introductory tenancy by six months in accordance with the Housing Act (2004) (Part 6) if it has concerns of the conduct of the tenancy.

5.14 The Council will inform an introductory tenant of their right to request a review when a decision has been made to seek a possession order and the time which such a request must be made, in accordance with s.128 Housing Act 1996.

### **5.15 Enforcement**

5.16 The Council will use a variety of tools and powers available to tackle ASB including but not limited to:

5.16.1 Apply for possession using discretionary ground including if ASB is caused outside of the locality and where it is targeted towards staff and/or contractors

5.16.2 Apply for mandatory possession against an introductory tenant

5.16.3 Apply for possession using 'absolute grounds' against a Secure tenant

5.16.4 Apply for a Secure tenancy to be demoted

5.16.5 Apply for 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 in instances such as vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying. Breach of an injunction is contempt of Court and punishable by imprisonment or fine

5.16.6 Apply for a Criminal Behaviour Order (CBO) against persistent ASB perpetrators who are also engaged in criminal activity

5.16.7 Apply for a Closure Order to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder

5.17 The decision to use a power will be made after a review of each individual case, testing the reasonableness and proportionality and procedures followed in requirement of the law.

5.18 The Council will review a decision to seek possession on absolute ground for possession in accordance with section 85ZA(1) of the Housing Act 1985.

### **5.19 Support and Partnerships**

5.20 When it is in the interests and knowledge of the victim, the council will work alongside partner organisations that specialise in cases such as domestic abuse and hate crime.

5.21 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.

- 5.22 The Council will provide help and support to both victims and witnesses by remaining in regular contact and signpost to specialist organisations.
- 5.23 Where it is relevant to do so, after the successful application of an injunction or CBO, the Council will include 'positive requirements', where perpetrators may be required to address the underlying causes of their behaviour, for example, substance misuse, anger management or problem drinking.
- 5.24 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.
- 5.25 The Council will work proactively to assist in setting up diversionary activities and dispersal zones if they will be considered to benefit the community.
- 5.26 The Council will handle CCTV images in accordance with the Data Protection Act and may disclose images as evidence of ASB or criminal activity and/or provide the information to the Police.
- 5.27 The Council will co operate 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 Homes and Communities Agency, in addition to when a 'Community Trigger' is under review.
- 5.28 The Council will request that the Police serve a Public Space Protection Order if ongoing and persistent ASB is detrimental to the local community's quality of life and there is reasonable belief that the behaviour will continue in future.
- 5.29 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.
- 5.30 After giving consideration to 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.
- 5.31 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.
- 5.32 The Council will attend partnership forums and represent the interests of and promote the involvement of the council's housing management team.

## **6. Role, Responsibilities and Authority**

- 6.1 The Assistant Director Physical and Cultural Regeneration retains the overall responsibility for the implementation of this policy.
- 6.2 The Housing Manager 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.

## **7. Monitoring, Review and Evaluation**

- 7.1 The Council will regularly monitor our ASB performance and benchmark our performance against similar sized organisations.
- 7.2 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.
- 7.3 This policy will be reviewed on a biennial basis or in line with legislative or regulatory changes.

Cross References: Tenancy Management Policy, Medway Council Tenancy Agreement(s); Mutual Exchange Policy, Kent and Medway Information Sharing Agreement

This version: February 2017  
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Lead Officer: Housing Manager