# **HRA Housing Services Anti-Social Behaviour Policy**

## **Introduction**

* 1. This policy sets out our commitment to tackling anti-social behaviour experienced by any person (s) where the source is a resident, member of the household or a visitor to any Medway Council Housing Services owned property or scheme.
	2. This policy applies to all Medway Council Housing Services customers, residents, staff, contractors, and agents.
	3. Where someone is causing anti-social behaviour but is not associated with a Medway Council property, we will offer advice and support. We will signpost to relevant agencies and may seek action where the behaviour affects our customers or the services we provide.
	4. This policy does not cover anti-social behaviour experienced in an area where Medway Council does not own any properties and the perpetrator is not a Medway Council Housing Services tenant.

## **Definitions**

* 1. The Housing Act 1996 defines anti-social behaviour as
* Conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
* Conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.
	1. Housing Services defines anti-social behaviour in line with the Anti-social behaviour, crime and policing Act 2014, Section 2 (1) as;
* 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.

## **Legislation and Guidance**

* 1. We will use the following legislation and guidance as part of our approach to tackle anti-social behaviour:
* [Anti-Social Behaviour Act 2003](https://www.legislation.gov.uk/ukpga/2003/38/contents)
* [Anti-Social Behaviour, Crime and Policing Act 2014](https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted)
* [Crime and Disorder Act 1998](https://www.legislation.gov.uk/ukpga/1998/37/contents)
* [Dangerous Dogs Act 1991](https://www.legislation.gov.uk/ukpga/1991/65/contents)
* [Domestic Abuse Act 2021](https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted)
* [Environmental Protection Act 1990](https://www.legislation.gov.uk/ukpga/1990/43/contents)
* [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents)
* [Housing Act 1985](https://www.legislation.gov.uk/ukpga/1985/68/contents)
* [Housing Act 1988](https://www.legislation.gov.uk/ukpga/1988/50)
* [Housing Act 2004](https://www.legislation.gov.uk/ukpga/2004/34/contents)
* [Human Rights Act 1998](https://www.legislation.gov.uk/ukpga/1998/42/contents)
* [Localism Act 2011](https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted)
* [Noise Act 1996 (Section 2)](https://www.legislation.gov.uk/ukpga/1996/37/section/2)
* [Protection from Harassment Act 1997](https://www.legislation.gov.uk/ukpga/1997/40/contents)
* [Race Relations (Amendment Act) 2000](https://www.legislation.gov.uk/ukpga/2000/34/contents)
* [Regulation of Investigatory Powers Act 2000 (RIPA)](https://www.gov.uk/government/publications/regulation-of-investigatory-powers-act-2000-ripa/regulation-of-investigatory-powers-act-2000-ripa#:~:text=RIPA%20sets%20out%20the%20authorisation,private%20information%20about%20a%20person).

## **Policy Statement and Aims**

* 1. Medway Council Housing Services are committed to working in partnership with our tenants and other agencies to prevent and tackle anti-social behaviour. This will ensure our tenants are able to feel safe and enjoy and their homes and help develop safer and stronger communities.
	2. We aim to:
* Use a variety of tools, powers, and interventions available.
* Raise awareness amongst tenants, staff, and relevant stakeholders about the impact of anti-social behaviour.
* Support those affected by anti-social behaviour.
* Deal with reports of anti-social behaviour promptly, proportionately, objectively, and sensitively.
* Work in partnership with the Police, other Local Authority Departments, Community Groups, and other relevant agencies.
* Work with perpetrators to change their behaviour where possible, identifying any issues that may impact their behaviour and referring to specialist agencies where appropriate.

## **Categories of Anti-Social Behaviour**

* 1. Medway Council uses the following categories of anti-social behaviour:
* Noise
* Verbal abuse/Harassment
* Hate related incidents.
* Vandalism and criminal damage
* Nuisance vehicles
* Drugs/substance misuse
* Pets and animal nuisance
* Physical Violence (other than DA)
* Litter/Rubbish/Fly-tipping
* Garden nuisance
* Misuse of communal areas
* Prostitution
* Criminal Behaviour
	1. Some behaviours, whilst impacting on individuals, would not be deemed anti-social behaviour. Examples include:
* Children playing or falling out.
* Babies crying
* Sounds of day to day living such as opening and closing doors
* One-off parties that don’t cause an unacceptable disturbance.
* Clashes of lifestyles
* Differences due to working patterns.
* Comments made on social media.
	1. Further information is available in our Residents Handbook and on [our website.](http://www.medway.gov.uk/counciltenants)  We will work to manage residents’ expectations with regards to behaviour that is not deemed anti-social. We will offer guidance and advice, including our dear neighbour template, to encourage residents to resolve issues themselves.
	2. Domestic Abuse will be dealt with using our Domestic Abuse Policy.

## **Resident Responsibilities**

* 1. As outlined in our Tenancy Agreement and Residents Handbook we expect our tenants:
* Not to cause or allow other members of the household or visitors to cause a nuisance or annoyance or act in a way that is likely to cause a nuisance or annoyance to other residents, employees, agents or contractors or anyone else visiting or engaged in lawful activity in the locality of the premises.
* Not to use the premises for any illegal purposes.
	1. Leaseholders are also covered by this property and the expectations are the same for both the leaseholder and anyone residing at or visiting their property.
	2. If the tenant or a person living at or visiting the property is convicted of an indictable offence, committed in or in the locality of the property Housing Services may seek possession of the property. This may also be the case if the property has been used or has been allowed to be used by others for illegal purposes.
	3. In addition to the responsibilities within the tenancy or lease agreement our tenants/leaseholders are encouraged to:
* Show consideration to neighbours and don’t cause a nuisance to them, their visitors or those working for, or on behalf of Housing Services.
* Attempt to resolve minor personal disputes with their neighbours.
* Report anti-social behaviour in a timely manner.
* Report all crimes, including acts of violence or threats to the Police, making a note of any reference numbers.
* Engage with other agencies where necessary.
* Work with Housing Services and cooperate fully to resolve issues by providing suitable evidence such as diary sheets, attending mediation where appropriate and attending court if necessary.

## **Service Standards**

* 1. Housing Services aims to deal with anti-social behaviour quickly and effectively and will attempt to resolve cases at the earliest opportunity.
	2. We will record anonymous reports but can only take action where anti-social behaviour can be substantiated and additional evidence is gained.
	3. We will ensure tenants are listened to and treated fairly. This includes any alleged perpetrators. Where counter allegations are made, these will be logged as separate cases and investigated with action taken based on the evidence available.
	4. We will contact the reporting party before closing their ASB case to explain the reasons for doing so.
	5. We will seek feedback on satisfaction relating to our handling of anti-social behaviour cases and the outcome.

## **Use of the ASB App**

* 1. Where a case meets our definition of anti-social behaviour, and it is appropriate to do so we will offer access to the ASB App. This will enable complainants to submit reports and evidence to us at any time of the day, for the Housing Services team to pick up during office hours.

## **Prevention**

* 1. Housing Services will review all nominations that are made through the allocations system and where there is or has been anti-social behaviour concerns, we may refuse applications where the Allocations Policy allows for this.
	2. Applicants that are offered a Medway Council Housing Services Tenancy will be informed of the expectations and these are outlined in both the tenancy agreement and the Resident’s Handbook.
	3. Housing Services will grant introductory tenancies to new tenants, in accordance with our Tenancy Management Policy. We may extend an introductory tenancy by six months in accordance with the Housing Act (2004) (Part 6) if we have concerns about the conduct of the tenancy.

## **Enforcement**

* 1. Housing Services will attempt to work with perpetrators to tackle their behaviour using acceptable behaviour agreements, referrals to support agencies and other remedies. If this fails to prevent the anti-social behaviour enforcement action may be required.
	2. Housing Services will use, or work with other agencies to use, a variety of tools and powers to tackle anti-social behaviour, these include but are not limited to:
* Demotion of a secure tenancy
* Family Intervention Tenancies
* Community Protection Warnings and Community Protection Notices
* Civil Injunctions
* ASB Injunctions
* Closure Orders
* Noise Abatement Notices
* Public Space Protection Orders (PSPO’S)
* Criminal Behaviour Orders
* Mandatory possession against an introductory tenant
* Possession using ‘absolute grounds’ against a secure tenant.
* Serving of a Notice Seeking Possession and application to Court for possession of the property.
	1. The decision to use a power will be made after a review of each case, testing the reasonableness, proportionality, and the requirements of the law. Legal advice will be sough where required.

## **Commitment to Partnership Working**

* 1. We will work with other agencies to reduce anti-social behaviour in areas that we own and manage. Working closely with partner agencies will ensure a holistic and coordinated approach to dealing with problems of anti-social behaviour.
	2. We will work with support providers to ensure perpetrators have the opportunity, where possible, to tackle their behaviour and ensure a positive outcome for all.
	3. Housing Services will commit staff to attend partnership meetings when required, such as the Serious Organised Crime Group (SOCP) and Medway Vulnerability Panel (MVP).
	4. We will work with relevant advice and support providers to facilitate easy referrals and improve the service received by victims, witnesses, and perpetrators.
	5. We will work with partner agencies to hold engagement events to provide information and opportunities for discussions with our tenants and residents.
	6. We will provide information on the ASB Case Review (formally Community Trigger) to anyone reporting anti-social behaviour who would like a review of actions taken by us or partner agencies.

## **Protection of Staff**

* 1. Many of our staff and contractors working on our behalf work in tenants’ homes and the local community. They are entitled to work in an environment that is safe and should be free from fear of violence, threats of violence or abuse. As such any behaviour of this nature that is directed towards staff will not be tolerated and appropriate action will be taken against those responsible.

## **Monitoring, Review, and Evaluation**

* 1. Housing Services will regularly monitor our anti-social behaviour performance and where benchmarking services exist, will benchmark our performance against similar organisations.
	2. Feedback received from satisfaction surveys will be reviewed in an effort to continuously improve the service.
	3. This policy will be reviewed bi-annually or in line with legislation or regulatory changes.

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