

Gravesham Borough Council – Housing ASB Policy

Document Control

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Index

Table of Contents		
	Section	Page No
1	Introduction	2
2	Policy Statement	2
3	Purpose and scope of Policy	2
4	Our Commitment	3
5	Legislation and Guidance	3
6	Definition of ASB	4
7	Unwanted Behaviour	5
8	Reporting ASB	5
9	Assessing, Investigating and Managing ASB	6
10	Our approach to ASB	6
11	Support for Victims and Witnesses	8
12	Safeguarding	9
13	ASB Case Management and Closing Cases	9
14	Community Trigger	10
15	Confidentiality and Data Protection	10
16	Equality and Diversity	11

1. Introduction

- 1.1 Gravesham Borough Council (GBC) is committed to working to make all housing estates and properties owned by Gravesham places where people can live safely, peacefully and in harmony both now and in the future. We recognise that people being and feeling safe in their home is important to how they feel about where they live.
- 1.2 Tackling Anti-Social Behaviour (ASB) and Nuisance is essential to achieving this outcome and we aim through this policy to prevent and reduce harm caused by ASB to individuals and communities.
- 1.3 This policy sets out GBC's Housing Landlord Services approach to tackling ASB on our estates and properties to fulfill our obligations as a social housing landlord.

2. Policy Statement

- 2.1 Gravesham Borough Council has made a clear commitment to reducing ASB through preventative work, providing support to victims and communities where ASB is more prevalent and using enforcement powers where necessary. Our primary approach will be to reduce ASB by educating people to recognise the impact of their behaviour and where possible, making changes to the physical environment to 'design out' the opportunity for ASB to occur in the first place. However, we will also take a robust stance on enforcement where preventative steps and interventions have failed to change behaviour. We will make full use of powers and tools available to us to tackle persistent problems and repeat offenders.
- 2.2 The overall objective of this policy is to prevent and reduce incidents of ASB by early intervention, seeking to resolve issues in a timely, appropriate and proportionate manner.

3. Purpose and scope of policy

- 3.1 Gravesham Borough Council has a critical role in supporting and encouraging strong communities for the best possible quality of life, so that all residents can live well together. We are committed to developing a sustainable, proactive and respected relationship with our communities. This will be reflected in how services are organised and delivered, and in two-way communication which works to meet the needs of all our communities and individuals who need our support.
- 3.2 The Council's aim is to ensure that its Tenants and Leaseholders can live peacefully in their homes, in thriving communities and estates. Gravesham is clear about the standards of behaviour it expects from its tenants and leaseholders; whether unintentional or deliberate, they must not commit, or allow their visitors to commit acts of ASB towards other tenants or residents, people in the local area, Gravesham staff, contractors or elected members in relation to any duties linked to the Council. If ASB takes place and can be proven, it will lead to actions being taken against the perpetrator.
- 3.3 This policy will ensure Gravesham Borough Council Housing Landlord Services Team offers relevant support and advice to its tenants and

leaseholders enabling them to understand their responsibilities regarding acceptable behaviour relating to themselves, their household and their visitors. This policy will also ensure we offer the appropriate levels of support to victims of ASB.

- 3.4 This policy will ensure that we respond to reports quickly and efficiently; address any reports in an appropriate and proportionate manner; ensure complainants are kept updated and informed of any actions being taken and use a full range of tools to tackle ASB, such as prevention, engagement and enforcement.
- 3.5 This policy applies to behaviour by tenants, groups of tenants, leaseholders, members of their household or their visitors, which would generally be considered to cause annoyance, nuisance or disturbance to other people in the area.
- 3.6 This policy also applies to staff, tenants, leaseholders, tenant representatives, contractors, partners and agents that are subjected to ASB whilst working or acting on behalf of the Council.

4. Our Commitment

- 4.1 We are committed to tackle ASB swiftly and effectively, making use of legal powers where it is appropriate to do so. Our priorities are:
- To tackle ASB swiftly and effectively making use of legal powers where appropriate.
 - To improve customer satisfaction with our response and management to complaints of ASB.
 - Taking a solution focused approach to tackle ASB in a reasonable and proportionate manner.
 - Use tenant engagement and empowerment to influence standards, enforcement and the promotion of good practice in estate management.
 - To maintain and improve strong working relationships with other agencies, including local neighbourhood police teams, mental health teams, social services and community services.
 - To develop pro-active methods of working, with a commitment to addressing both the underlying causes of ASB and the specific concerns within our communities.
 - To reduce the re-offending of ASB within the same household.
 - Support all tenants to sustain their tenancies.

5. Legislation and Guidance

- 5.1 This policy is intended to support the Council's Housing Services to ensure that they meet their obligations as a social housing landlord in relation any relevant legislation and statutory guidance, which includes but is not limited to:
- Anti Social Behaviour, Crime and Policing Act 2014
 - Anti Social Behaviour Act 2003
 - Clean Neighbourhoods and Environment Act 2005

- Housing Act 1985
- Housing Act 1996
- Housing Act 2004
- Environmental Protection Act 1990
- Mental Capacity Act 2005
- Care Act 2014
- Equality Act 2010
- Dangerous Dogs Act 1991
- Regulation of Investigatory Powers Act 2000
- Data Protection Act 2018
- Social Housing White Paper 2020
- Gravesham Anti Social Behaviour Strategy 2019-23
- Gravesham Corporate Plan 2019-23

6. Definition of ASB

6.1 As set out in the Anti Social Behaviour, Crime and Policing Act 2014, ASB is defined as:

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

6.2 There are three main categories for antisocial behaviour, depending on how many people are affected:

- **Personal antisocial behaviour** - when a person targets a specific individual or group.
- **Nuisance antisocial behaviour** - when a person causes trouble, annoyance or suffering to a community.
- **Environmental antisocial behaviour** - when a person's actions affect the wider environment, such as public spaces or buildings.

6.3 The term anti social behaviour includes a wide range of unacceptable behaviours that may include criminal activity. Some examples of behaviours that are considered to be anti social are:

- Verbal abuse
- Harassment
- Violence
- Threat to life
- Criminal damage
- Using a Council property for illegal or unlawful purposes.
- Hate related incidents and crime
- Street drinking
- Trespass
- Drug use, dealing, cultivation and its effects
- Excessive noise nuisance
- Animal nuisance (fouling or irresponsible pet ownership)
- Failure to maintain and/or inappropriate use of a garden
- Misuse of communal areas
- Flytipping / rubbish dumping
- Vehicle nuisance, inappropriate use or abandonment

- 6.4 This is not a definitive list. Each case of alleged ASB will be reviewed on a case by case basis by the Housing Landlord Services team.

7. Unwanted Behaviour

7.1 There is such behaviour that that is viewed as unacceptable and unwanted to the person experiencing it that Gravesham Borough Council does not consider to be behaviour to fall with the 'anti social' category. In these circumstances, it is unlikely that legal or tenancy enforcement action will be taken and therefore the Council will not action these concerns but may suggest the use of other services, such as mediation. Types of complaints that fall within the unwanted behaviour category are:

- Cooking smells
- Normal household behaviour and everyday living noise, such as hoovering
- Children playing
- Babies crying
- Dogs barking intermittently
- One off celebrations
- Clash of lifestyles including cultural differences
- Actions which amount to people being unpleasant to each other but that are not sufficiently serious to justify Council intervention e.g. people speaking with raised voices
- Parking issues where no parking regulations have been broken
- Fencing or boundary disputes
- Noise transference from one property to another
- Household improvements that are being carried out at a reasonable time of day and for a reasonable period of time.
- Normal vehicle noises

7.2 If unwanted behaviour occurs, the Council expect tenants and leaseholders to speak to each other in the first instance as this type of behaviour will not be investigated as ASB.

8. Reporting ASB

8.1 The Council want to encourage and support the reporting of any incidents of ASB, so that we can address them in a timely and proactive manner. We encourage tenants, leaseholders, staff, contractors, agencies and visitors where appropriate, to not only report any incidents of ASB but to also work with us to resolve any problems, this may involve actions such as keeping a record of incidents, attending mediation or any other actions deemed necessary to help resolve the ASB case.

8.2 Reports of ASB can be anonymous, however anonymous reports can be difficult to substantiate due to the lack of evidence to support the claims such as a record of incidents, which limits the action that can be taken. The Council will do their best to investigate anonymous reports, but wherever possible complainants will be encouraged to be part of the investigation process.

8.3 Reports of ASB can be made through a third party acting on your behalf (e.g. friend, councillor or relative) with written consent to do so

- 8.4 Any reports of noise nuisance will be investigated and managed by the Housing Landlord Services Team. If the investigation highlights that a statutory noise nuisance may be occurring, the case may be referred to the Council's Environmental Protection Team for further investigation.
- 8.5 Any incidents of ASB that constitute a criminal offence and/or are reports of hate crime or domestic abuse should be reported directly to the Police as they are the principal agency responsible for criminal offences. Incidents of criminal activity should also be reported to the Housing Services Team as tenancy enforcement action may be necessary if a tenant has committed a criminal offence, such as mandatory grounds for possession if a tenant is convicted of a serious offence.

9. Assessing, Investigating and Managing Anti-Social Behaviour

- 9.1 Gravesham's Housing Landlord Services will carry out a full assessment to determine whether an activity is ASB; this means understanding the behaviour, the impact of the behaviour and the harm caused to the victim/community.
- 9.2 The Council will:
- Listen to and record every report of defined ASB
 - Provide an action plan to every victim of defined ASB
 - Provide regular updates to victims on a case management basis
 - Take the appropriate steps to investigate and address allegations of ASB in an expedient, joined up manner
 - Carry out a risk assessment(s) and or to notify the other relevant statutory or voluntary agencies if the ASB has been proven.
- 9.3 Please note due to the complexity of certain ASB cases, resolving these may take some time; the victim will be advised of this as the case progresses.
- 9.4 The service is committed to using a wide range of measures to prevent and tackle ASB by:
- Fully explaining the Tenancy Agreement to our new and existing tenants using plain English (or the preferred first language of the person where possible).
 - Using a wide range of measures to address ASB including, mediation, referrals to a specialist support agency, informal interviews, formal warnings, Acceptable Behaviour Agreements.
 - Using legal remedies including injunctions and possession.
 - Being audited through the Community Trigger mechanism.

10. Our approach to tackling ASB

- 10.1 The Council believe in taking a structured approach to tackling ASB, which looks at three main areas: prevention, early identification and intervention and enforcement.
- 10.1.1 Prevention – wherever possible the Council will take action to prevent ASB from happening in the first place. Some examples of preventive actions are:

- Completing pre-tenancy checks to ensure people are housed appropriately.
- A robust sign up process that sets out clear expectations of tenants from the outset.
- Using introductory tenancies which run for a period of 12 months which will be considered a 'trial period' for a tenant. During this time, tenants have less security of tenure and if there are incidents of ASB behaviour, the Council can consider either extending the introductory period or seeking to end the tenancy.
- Taking into consideration opportunities to design-out ASB on housing estates through minor changes to the physical environment and to ensure that new developments take into account features to prevent ASB e.g. adequate lighting, CCTV.

10.1.2 Early Identification and intervention- our objective is to act quickly with informal interventions to minimise the impact of ASB and to prevent the problem from escalating. This could include:

- A programme of estate inspections that identifies any issues on our housing estates, such as flytipping, graffiti and vandalism.
- Tenant engagement; to encourage victims or witnesses to report issues directly to the Council and to provide reassurance.
- Warning letters will be sent to alleged perpetrators, outlining the details of the anti social behaviour and why it is not acceptable.
- Monitoring via the use of diary sheets.
- Regular Officer case reviews to ensure all notes regarding a case are recorded and evidenced in a timely manner.
- Tenants will be encouraged to resolve issues themselves but where this is not possible, mediation may be an appropriate solution. Mediation is normally only used for low level anti social behaviour.
- Housing Landlord Services will work in partnership with the Community Safety Unit (CSU) and the Police to gain useful information regarding any anti social behaviour.
- Officer attendance at daily CSU briefings to ensure that the Housing Services team are aware of any incidents of ASB and can take immediate action.

10.1.3 Enforcement – if informal attempts to resolve ASB have not been successful and the behaviour continues, the Council will consider taking enforcement action. Examples of enforcement action are:

- Possession Proceedings; eviction is the last resort for the Council and will normally only be used to address serious or persistent cases of ASB where other methods of resolution have been exhausted. We will normally use discretionary grounds for possession, however if criminality or ASB have already been proven by a Court, we may seek a mandatory ground for possession.
- Community Protection Warnings; are letters sent to perpetrators of ASB asking them to stop their behaviour, otherwise it could lead to the issuing of a Community Protection Notice.
- Community Protection Notices (CPN); are designed to deal with environmental anti-social behaviour which spoils the quality of life

for a community. A breach of a CPN is a criminal offence and may lead to a fine of up to £1,000 for the breach of a CPN. CPN's also carry powers of forfeiture and seizure of items used in the commission of an offence.

- Criminal Behaviour Order (CBO); a CBO is an order made in the criminal courts aimed at preventing ASB by a person who has been convicted of any other criminal offence. A CBO can impose prohibitions on the behaviour of a person. It can also include a positive requirement aimed at getting a person to deal with the underlying cause of their ASB. The breach of a CBO can lead to an unlimited fine or imprisonment.
- Civil Injunctions; an injunction will require the person who is committing anti-social behaviour either to do a certain thing or prohibit them from doing a certain thing with the aim of stopping the anti-social behaviour. Breach of an injunction can lead to an unlimited fine or imprisonment.
- Closure Orders; a closure order will close a premise that is causing ASB, prohibiting access to a tenants property for up to three months (extensions can be applied for if deemed necessary). Breach of a closure order is a criminal offence and can lead to eviction under the mandatory ground for ASB.
- Demotion Orders; can be used by the Council when a tenant, resident or visitor to the tenant's home has behaved or threatened to behave in a way which is anti-social and can cause a nuisance. The Council can apply to the Courts to reduce the security of tenure for tenants, by removing a number of tenancy rights, including the right to buy and the right to exchange. The tenancy will be demoted for 12 months. Tenants who do not respect their homes or the communities they live in could face losing their homes unless their anti-social behaviour ceases.
- Suspension of the Right to Buy and Mutual Exchange; the Council can apply to the Courts for Right to Buy applications to be suspended on the grounds of anti-social behaviour. The same applies to a mutual exchange where the Council can refuse an application for a mutual exchange if an injunction or possession order, granted on the grounds of nuisance behaviour, is in force, or if court action to obtain such an order or a demotion order is pending against the tenant, the proposed assignee, or a person who resides with either of them

11. Support for victims and witnesses

- 11.1 Victims and witnesses are pivotal to helping the Council tackle ASB, as they help the Council to gather the evidence needed to successfully tackle the ASB. It is really important that victims and witnesses feel confident that the any issues reported will be taken seriously, that they will be supported by the Council and that they feel safe.
- 11.2 Any reports of ASB will be dealt with by the designated Housing or Independent Living Officer for that area. Upon receipt of a report of an anti social behaviour incident, the designated Officer will complete a risk assessment form. The purpose of this form is to help the Officer identify any vulnerable victims, witnesses and complainants and what support may be appropriate.

- 11.3 The Housing or Independent Living Officer will be responsible for providing any information and advice to victims and witnesses. This may include things such as issuing diary sheets, providing emergency contact numbers, home visits and welfare calls. All staff will also make it clear what can be expected from the Council in managing the ASB case.
- 11.4 For cases that progress to Court; the Council will provide support for victims and witnesses with witness statements; familiarising victims and witnesses with the court process and making referrals to external agencies such as Victim Support if necessary.

12. Safeguarding

- 12.1 It is the responsibility of all housing staff to ensure that children or vulnerable adults are protected from harm and to take action if they believe they are at risk. A person can be vulnerable for a number of reasons such as physical difficulties, learning difficulties, mental health issues or substance misuse.
- 12.2 If any situations arise where it is believed that a vulnerable adult or child is at risk, the Council will make a safeguarding referral to Social Services or the appropriate safeguarding agency following the Council's Safeguarding policy. If a member of the housing team is in any doubt referring a case, they should discuss their concerns with the Council's Lead Safeguarding Officer.
- 12.3 We recognise that some perpetrators may have certain personal characteristics or support needs that are influencing their behaviour and that also make them vulnerable. As with a victim, if the Council believe the perpetrator to be at risk or in need of support, a safeguarding referral will also be made.

13. ASB Case Management and Closing Cases

- 13.1 The Housing Services team will keep accurate records of any reports of anti social behaviour in the form of an ASB case. All cases will be reviewed and updated in a timely manner, with our aim to resolve all ASB cases.
- 13.2 When a decision is made to close an ASB case, we will write to all parties to let them know what action has taken place. Cases should not remain open longer than necessary. We will close ASB cases when:
- When we have successfully resolved the ASB in agreement with the complainant and no further action is required.
 - When the complaint has been investigated extensively and all options exhausted.
 - There is no available evidence to support the allegations of ASB.
 - When another agency is dealing with the case and no longer requires involvement by the Council
 - When the complainant fails to assist in providing evidence to our officers, and we cannot take further action.
 - Independent professional dispute resolution/mediation has been offered and refused.
 - There are no further reports of ASB over a given period of time.
 - If we believe the ASB complaint to be vexatious.

- 13.3 If the complainant feels that the Housing Services team have failed to fulfill their duty in response to the ASB, then they will be able to make a complaint via the Council's Complaints Policy.

14. Community Trigger

- 14.1 Community Trigger is a provision set out in the Antisocial, Crime and Policing Act 2014, which gives local communities the right to review the responses to incidents of ASB, have a say in how their ASB case is being dealt with and to check whether more action is needed to deal with the ASB.
- 14.2 The focus of the Community Trigger is to help agencies such as the Council and Kent Police to work together to resolve serious and persistent incidents of anti-social behaviour that affect the quality of life of our tenants and leaseholders by sharing information between agencies, reviewing the actions that have been taken and using all available resources to try to resolve problems.
- 14.3 The Community Trigger can be used if:
- You have reported at least 3 incidents of anti-social behaviour to the Council or a relevant organisation within the previous 6 months.
 - The incidents relate to the same behaviour, nuisance or problem
 - The incidents were reported within one month of them happening.
- 14.4 Once the Community Trigger has been activated your application will be assessed by the Council's Community Safety Unit. The information you have provided will be reviewed by the relevant agencies involved in your case and you will be told whether your case meets the Community Trigger criteria. If it doesn't, you may be given advice on what else you can do. If it does meet the criteria, the relevant agencies will carry out a review of your case. They will consider the actions that have already been taken and whether further actions are necessary. You will be allocated one person as your point of contact and they will be able to keep you updated on your Community Trigger application, the outcome of the review and any recommendations for future action that have been made.
- 14.5 The Community Trigger does not replace the existing complaints procedure. This procedure can be followed separately.

15. Confidentiality and Data Protection

- 15.1 Any information given to the Council by a witness or victim will be treated in the strictest confidence wherever possible and only shared with relevant parties if necessary. We will only share relevant information with third parties for lawful purposes such as the preventing, investigating and tackling of ASB. When sharing information all aspects of data protection will be followed in accordance with the Council's Data Protection Policy.
- 15.2 All ASB cases will be stored on the Housing Landlord Services secure housing management system in accordance with the Data Protection Act 2018. Any victim or witness will always be advised on how the information they have supplied will be used in tackling any ASB. We also recognise that some victims will want to remain anonymous.

16. Equality and Diversity

- 16.1 This Policy works in conjunction with the Council's Equality Policy, ensuring it is compliant with the Equality Policy.
- 16.2 Gravesham Borough Council is committed to treating people with dignity and respect. This applies to colleagues, tenants and members, all of whom undertake not to discriminate directly or indirectly or victimise because of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, age, religion or political persuasion.
- 16.3 All information/ literature will be made available in other formats, or translated upon request.
- 16.4 The Council is committed to addressing issues of financial inclusiveness by referencing its Vulnerability Policies.
- 16.5 Front line staff will signpost customers to external advice agencies providing additional help and support with regard to equalities, ensuring full use of available resources.
- 16.6 Appointments arranged to discuss issues covered by this policy will be made reflecting awareness of cultural and religious holidays and celebrations. Alternative dates/times for attendance will be offered should the suggested date/time conflict with a cultural or religious celebration.
- 16.7 This policy has satisfied an Equalities Impact Assessment, which has been carried out in line with the Equalities Act 2010.