



Exeter
City Council

Housing Anti-Social Behaviour Policy



November 2016

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1 Introduction

We understand that Anti-Social Behaviour can have a significant impact on individuals and whole communities. This policy has been developed to ensure that Anti-Social Behaviour relating to Exeter City Council Housing is dealt with consistently, robustly, effectively and proportionately. It outlines the roles and obligations of parties involved in cases of Anti-Social Behaviour, including what can be expected of us, and what we expect of others. This policy also sets out Anti-Social Behaviour definitions, and that some behaviour will not be recognised or responded to as Anti-Social Behaviour.

2 Policy Objectives

1. To provide guidance to staff, stakeholders and residents about roles, responsibilities and approaches to dealing with Anti-Social Behaviour.
2. To recognise that there are differences between:
 - **Anti-Social Behaviour:** responded to through Anti-Social Behaviour Procedures
 - **Tenancy management issues:** responded to through the Tenancy Management Procedures
 - **Non-tenancy matters:** these will not warrant intervention by the Council Housing team
3. To commit to fully investigate cases of Anti-Social Behaviour with sensitivity; taking firm but proportionate action where necessary, and balancing the Council's responsibilities with what can reasonably be achieved.
4. To expect complainants and witnesses to play a full part in resolving issues, and to work in partnership with other organisations in resolving Anti-Social Behaviour.
5. To commit to pro-actively engage and work with partners and residents to prevent Anti-Social Behaviour from occurring.
6. To outline expectations of communication between Exeter City Council and related parties during an open case (a case currently under investigation) of Anti-Social Behaviour.
7. To commit to closely monitor the quality and outcomes of Anti-Social Behaviour procedures to ensure it is effective and efficient, good value for money, and the Anti-Social Behaviour Policy and Procedures are correctly applied.

3 Anti-Social Behaviour Definitions

- The **Anti-Social Behaviour Crime and Policing Act 2014** defines Anti-Social Behaviour as conduct that:
 - *Has caused, or is likely to cause, harassment, alarm or distress to any person; or*
 - *Is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or*
 - *Is capable of causing housing-related nuisance or annoyance to any person.*
- This policy refers to Exeter City Council owned properties and those who may be affected by such conduct, specifically:
 - Exeter City Council Residents (tenants and leaseholders) and their visitors
 - Property Owner/Occupiers in the same area as Exeter City Council's rented homes
 - Any other person lawfully in the locality e.g. Exeter City Council staff/contractors
- **Anti-Social Behaviour** can take many forms, and at Exeter City Council includes:
 - Violence or threats of violence
 - Verbal abuse
 - Harassment (including racial harassment)
 - Domestic violence
 - Arson or attempted arson
 - Drug dealing or other criminal activity
 - Persistent noise nuisance (exceeding everyday living noise)
 - Graffiti and criminal damage
- Not all issues reported will be treated and responded to as Anti-Social Behaviour, some will be considered and dealt with as a **Tenancy Management** matter, and others **non-tenancy** matters. Tenancy Management refers to activity that is specifically linked to an address where we have a tenancy agreement in place.

Annoyances that are likely to be considered everyday living or minor lifestyle differences, and not Anti-Social Behaviour include such things as:

 - Noise generated by everyday living such as walking across floors with shoes on
 - Children playing in their own homes and gardens
 - Cooking smells
 - Occasional or one off parties
 - DIY noise, voices, television noise, and other everyday noise during the daytime
 - Dogs that bark occasionally
 - Neighbourly disputes about parking

- *Persistent Anti-Social Behaviour* is behaviour occurring on more than one occasion over a given period of time. We would consider persistent to be three or more times over a six month period.

4 Hate Crime and Racist Incidents

Hate Crime: This is where someone commits a criminal offence against you or your property that is motivated by a person's hate or prejudice because of:

- Race, colour, ethnicity, nationality or national origin
- Religion or faith
- Gender or gender identity (including transphobia)
- Sexual orientation (including homophobia)
- Disability

Racist Incident: *“any incident¹ which is perceived to be racist by the victim or any other person”* Macpherson Report (The Stephen Lawrence Enquiry).

Exeter City Council will not tolerate any resident found to be using racist or other discriminatory behaviour or undertaking any form of Hate Crime. Reports of such behaviour will be monitored separately to the Anti-Social Behaviour and we will make all efforts to respond within one working day.

Where there is evidence of Hate Crimes or Racial Incidents in our properties, we will do all we can to help protect the victim, and prevent the alleged perpetrator from committing further offences. This may involve liaison with the Police to take action under the Protection from Harassment Act 1997.

5 Domestic Violence and Abuse

The cross-government definition of domestic violence and abuse is: *“any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:*

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional”*

¹ Personal abuse, threatening behaviour, graffiti, written/verbal threats or insults, damage to property and/or physical attacks that are motivated, or appear to be motivated by racial hatred.

Exeter City Council will not tolerate acts of domestic abuse in our properties. We will make all efforts to respond to reports of domestic abuse within one working day of receipt, and will do whatever is possible to help victims of domestic abuse.

The Council will ensure appropriate support is available to those affected, and provide advice and support should the victim wish to take legal action. In some circumstances, the Council may take its own legal action to prevent the perpetrator from returning to the property.

6 Safeguarding Adults with Care and Support needs and Vulnerable Children

If a complaint of Anti-Social Behaviour raises concerns that a child or adult with care and support needs may be at risk of harm through abuse and/or neglect, the Anti-Social Behaviour Policy and Procedures will follow our Safeguarding Procedures on identifying and responding to signs of abuse and/or neglect.

7 Responding to Anti-Social Behaviour

When we receive an allegation of Anti-Social Behaviour the Housing Team will:

- Take the allegation seriously
- Respect confidentiality
- Give the complainant an honest assessment of whether we consider the report to be Anti-Social Behaviour following an initial investigation
- Provide a written response to all reports received

When an allegation is recognised as Anti-Social Behaviour, the Housing Team will:

- Take prompt, proportionate and effective action
- Take an impartial, objective view, investigating each incident from both sides.
- Undertake a risk assessment (RAM)
- Provide a named point of contact
- Provide a written action plan
- Maintain regular contact with the complainant while the case is open
- Where relevant, provide support to complainants and witnesses
- Review and close cases in line with guidelines outlined in the Anti-Social Behaviour Policy and Procedures
- Send a case closure letter to the complainant once their case is closed
- Where appropriate, work with other agencies such as the police and social services.

The Housing Team will normally only close a case once the Anti-Social Behaviour has been resolved. In certain circumstances it may be necessary to close a case without the consent of the complainant. This may happen when:

- The Housing Team are satisfied that everything possible has been done to resolve the case, and that case closure is reasonable

- The complainant has failed to communicate or respond to requests for information
- The complainant refuses to cooperate with our efforts to resolve the behaviour
- It becomes apparent that the allegation(s) are false or malicious

7.1 Residents' Roles and Responsibilities

If tenants engage in Anti-Social Behaviour they will be at risk of losing their tenancy.

All tenants are made aware of their obligations and responsibilities at the time they sign for their tenancy, and this is set out in Section C1 of the Tenancy Agreement. This includes that tenants are not to engage in Anti-Social Behaviour, and are to play a role in resolving such incidents when they arise.

It is important that complainants and witnesses work with the Housing Team to resolve Anti-Social Behaviour. This includes residents complying with the following, but this list is not exhaustive:

- Respond to communication
- Keep a record of incidents of Anti-Social Behaviour
- Engage with suggested methods of resolution
- Provide statements to support legal action
- To not make malicious allegations
- To not retaliate to incidents of Anti-Social Behaviour

7.2 Responses to Anti-Social Behaviour

There are a number of approaches and mechanisms available to help resolve Anti-Social Behaviour. Each case will be reviewed and responded to uniquely, but options include:

- Home visits
- Mediation
- Warning letters
- Injunctions
- Community Protection Notices
- Possession proceedings
- Acceptable Behaviour Contracts
- Encouraging resident involvement at a neighbourhood level

The Community Trigger was introduced under the Anti-Social Behaviour, Crime and Policing Act 2014. This allows complainants to request a review of their Anti-Social Behaviour case if they believe that no action has been taken in responding to their report of Anti-Social Behaviour, subject to the case meeting the following criteria:

- Anti-Social Behaviour has been reported to the council, police and or registered housing provider three times in the last six months
- No action has been taken
- Their case has been closed

7.3 Support for Complainants and Witnesses

In all cases, the person reporting Anti-Social Behaviour will decide how the case should proceed once presented with the options. Throughout each case, we will keep in contact with witnesses and any related parties to ensure all are informed of progress.

Some of the most persuasive evidence in cases of Anti-Social Behaviour comes from witness reports and witness evidence. For example, identifying individuals involved in the case, describing and qualifying how the behaviour has, or is, impacting their lives. We understand that collecting evidence, making formal statements and appearing in Court can be daunting tasks, particularly when there is potential for reprisals, and we will support witnesses through this process.

We will work with other agencies to provide additional security where it is considered appropriate. This could include: panic alarms, additional locks, door viewers, secured letterboxes and additional patrols by Police Officers or Police Community Support Officers. We may also make a referral to the Devon & Cornwall Victim care Unit who can provide specific support.

Where violence or threats of violence are likely, the Council can seek an injunction, sometimes without Notice, to give its witnesses legal protection. A Power of Arrest may also be attached to the injunction.

Where the witness is subject to substantial risk and there is no other realistic alternative, a witness may be offered the chance of a temporary or permanent Management Transfer to another property.

7.4 Support for Vulnerable Victims and Perpetrators

We recognise that some residents, whether they are the victim, witness, complainant or perpetrator, may have complex needs and may require additional support. This could include those who have issues such as:

- Drug abuse or addiction
- Alcohol abuse or addiction
- Mental ill Health or any form of disability
- Children (potentially at risk)
- Young people leaving care

Where a perpetrator of ASB has such vulnerability, we will try and ensure that they have access to support to help address any unacceptable behaviour, and will work with others in the provision of support.

The provision of support for those conducting Anti-Social Behaviour will be conditional on the individual recognising their behaviour is problematic, and expressing a commitment to address it. The individual will then be expected to engage with support agencies, and legal action may be taken if they fail to engage, or continue to conduct Anti-Social Behaviour despite engaging with support.

8 Reducing and Preventing Anti-Social Behaviour

8.1 Partnership Working

The causes of, and responses to Anti-Social Behaviour are often complex and require the input from a variety of agencies. We work in partnership with a range of statutory and voluntary agencies to resolve, reduce and prevent incidents of Anti-Social Behaviour. This includes working with other local authorities, the police and other agencies through the Anti-Social Behaviour Action Team and Community Tasking Group (ASBAT), taking a multi-agency approach to tackle priority issues.

8.2 Housing Customer Relations Officer Visits

In aiming to reduce Anti-Social Behaviour, have more of a presence around our properties, and to improve communication and relationships with tenants, regular tenancy visits are conducted to each of our properties. During these visits, Housing Customer Relations Officers (HCROs) will ask whether there are any issues the resident wishes to raise, including having witnessed or been a victim of Anti-Social Behaviour.

8.3 Introductory and Fixed Term Tenancies

New Exeter City Council tenants (excluding transfers and mutual exchanges) receive a 12 month Introductory Tenancy. For this period, the new tenant is required to demonstrate that they are able to fulfil the requirements of the Tenancy Policy, and to not breach the terms and conditions, including those relating to Anti-Social Behaviour. At the end of the 12 months, the Introductory Tenancy could be extended, terminated, or transferred to a Fixed Term Tenancy.

Fixed Term Tenancies will be reviewed by Housing Customer Relations Officers as part of their regular visits. Tenancies will be fully assessed in the last 12 months of the tenancy, with at least 6 months of the tenancy left, to see if it will be ended, reissued or the tenant transferred. As part of this assessment, the behaviour of the tenant and any breaches of tenancy will be taken into account. It is unlikely that a new tenancy will be granted where there have been serious and proven incidents of Anti-Social Behaviour by the tenant and/or household member.

9 Data Protection and Information Sharing

When obliged to do so, we have a duty to share information with relevant agencies as set out by the Crime and Disorder Act 1998. This will be done in accordance with the Data Protection Act 1998.

10 Protecting Exeter City Council Employees

While all reasonable measures to prevent or reduce the risk of employee exposure to Anti-Social Behaviour are taken, any incident of an Exeter City Council Housing employee being subject to Anti-Social Behaviour will be responded to in line with Housing's Anti-Social Behaviour Policy and Procedures. It is expected that our employees are treated with courtesy and respect by whoever they come into contact with and exposure to any form of Anti-Social Behaviour at work is not acceptable.

11 Monitoring Performance and Evaluation

Effective recording and monitoring of Anti-Social Behaviour allows us to attain an overview of incidents across Exeter City Council housing stock, to keep track of cases, note trends or patterns of behaviour, and to help us review our policies and procedures in responding to Anti-Social Behaviour.

We will closely monitor the service that we provide in relation to Anti-Social Behaviour, including through administering a resident satisfaction survey once a case is closed, to ensure we provide an effective and high quality service to our residents, and that our policies and procedures are correctly applied.

If there are concerns about the immediate safety of an individual, or if someone is likely to harm themselves or others ring the emergency services on 999