DARLINGTON
Borough Council

Housing Services Anti-Social Behaviour Policy 2022 - 2026

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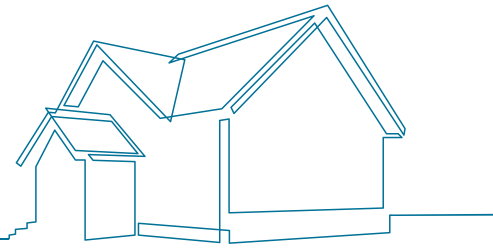

Our vision

We are committed to ensuring that all of our tenants enjoy their right to a safe home and community. Under the terms of our Tenancy Agreement, we do not tolerate anti-social behaviour (ASB) or hate crime and will act whenever necessary. We are committed to preventing and tackling ASB and we will take robust action against tenants who commit ASB or who allow members of their household or visitors to commit ASB. We want our communities to be secure and peaceful places to live and we will work hard with our tenants and partners to ensure this.

To do this we will deal with reports of ASB and hate crime effectively and promptly, taking appropriate, swift, proportionate action, including legal action, when necessary. We have effective support in place for victims of ASB and we will assess the risk of the potential impact of ASB prior to the commencement of a tenancy. For the majority of lettings this will not be a factor, but in situations where, due to an applicant's housing or life history, their relative vulnerability, and where there have been recent or on-going issues within a neighbourhood, a local lettings policy will apply.

Aims

To help our tenants feel safe, we will strike a balance between prevention, early intervention, support, and enforcement. To do this we will:

- Ensure that all tenants in our communities feel safe by preventing and tackling ASB.
- Ensure that our communities are safe and tolerant places to live for all tenants by tackling hate crime and discrimination.
- Take prompt, appropriate, and decisive action to deal with ASB, responding to the most serious cases of ASB within 1 working day of it being reported to us.
- Listen to our tenants and involve them in decisions around our policies.
- Put victims first by considering from the outset the effect of ASB on victims and any risk to them.
- Empower tenants to report ASB by making it easy to report ASB online, by telephone, by email or in writing.
- Work in partnership with agencies and communities to reduce ASB and increase feelings of safety within our communities.
- Take a problem solving and flexible approach for each individual case by providing each complainant with a personal action plan so they have a direct contact, when we will contact them, how we will deal with their case and any actions they are required to carry out, such as completion of diary sheets.
- Work closely and collaboratively with the Police to address criminality and serious ASB.

What is Anti-Social Behaviour?

'Anti-social behaviour' is a broad term for describing different types of behaviour but for the purposes of this policy we mean behaviour that:

- can cause a nuisance or annoyance to any person; and
- which directly or indirectly relates to or affects the landlord's housing management functions; or
- conduct which consists of, or involves using or threatening to use, housing accommodation owned or managed by the landlord for an unlawful purpose.

For ASB in a housing context, this is conduct which can cause nuisance or annoyance to a person in relation to that person's occupation of residential premises, or the conduct can cause housing related nuisance or annoyance to any person. In most cases, this policy will apply to ASB complaints in relation to our tenants, and anyone else either living in, or visiting one of our properties.

Hate crime, as defined by the Crown Prosecution Service, is a term that can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity.

A hate crime can include verbal abuse, intimidation, threats, harassment, assault, bullying or damage to property. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or another criminal purpose.

Examples of Anti-Social Behaviour

Under the terms of our Tenancy Agreement, we do not tolerate ASB and regard any activity that impacts on other people in a negative way and interferes with a person's right to live peacefully in their home and in the surrounding area as ASB.

Each case will be considered individually and on its own facts and evidence and our response will be one that is both reasonable and proportionate. The impact of ASB upon others is an important element in determining our response but it is not the only consideration.

Examples of ASB could include but are not limited to:

- Using or threatening to use violence
- Using abusive or insulting words
- Using behaviour, gestures or language which could be considered by any person to be motivated by a hatred of their disability, gender, race, religion or sexuality, or any actions or behaviours meeting the definition of a Hate Crime
- Noise nuisance such as playing loud music, loud televisions, shouting or arguing, banging doors, burglar alarms, DIY work, dog barking
- Making false or malicious complaints about the behaviour of any other person
- Damaging or threatening to damage another person's home or possessions, including spraying, or writing graffiti
- Allowing pets or animals to cause noise or other nuisance or fouling, to roam or by not keeping them under proper control
- Selling, possessing, or storing drugs, cultivating, or manufacturing, using/abusing drugs or leaving drug related litter and needles
- Using your property for unlawful activity
- Dumping rubbish, storing scrap materials or rubbish or settings fires
- Obstructing any shared areas, doorways and other entrances or exits, throwing rubbish or any items from balconies and windows
- Using technology and/or social media to harass, alarm or distress a person residing, visiting, or otherwise engaging in lawful activity in the locality, or an employee of the Council
- Using surveillance equipment or drones in a way that interferes with the privacy of other people in the locality
- Doing anything that interferes with the peace, comfort, or convenience of other people
- Vehicle repairs and noise arising from vehicle repairs, repairing cars on estate roads or parking areas
- Parking so as to block access for other people in the locality or emergency service vehicles, this includes parking that blocks shared driveways and garages
- Revving of motor vehicle engines, speeding in motor vehicles in the locality or riding motorbikes, quadbikes, and mopeds anywhere other than on roads and authorised tracks
- Rioting or engaging in public disorder
- Being convicted of a serious criminal offence, being found by a Court to have breached a civil injunction, being convicted for a breach of a Criminal Behaviour Order (CBO), being convicted for a breach of a noise abatement notice or the property being closed under a closure order for ASB for more than 48 hours.

Examples of what might not be considered ASB could include:

- Noise from children when they are playing
- Family disputes
- Sounds of normal living such as opening and closing of doors

- Noise from household appliances
- One-off parties or celebrations if they don't cause an unacceptable disturbance to others
- Minor personal differences such as the giving of dirty looks or falling out between or over children
- Disagreements about parking

Behaviour that results from different lifestyles, or which would not be considered unreasonable by most people is not ASB. We will offer advice and guidance to encourage and enable tenants to deal with or to manage the situation without our involvement.

The Environmental Protection Act 1990 can also be used to stop people feeding pigeons/birds due to the nuisance caused to neighbours.

Pigeons and birds have become an increasingly common sight and thrive in areas where there is usually a good food source and the absence of predators. The result is that they can become a pest in built up areas. Pigeons or birds may be classed as a pest and the control of their numbers may be the responsibility of the local council for various reasons:

1. Noise
2. Damage to property
3. Hazards
4. Attracting other pests.

We may therefore restrict the use of bird feeders in Council properties, gardens or communal areas where any of the above problems have been identified.

Support for victims and witnesses

We aim to create sustainable communities and an environment where victims and witnesses feel confident and safe in coming forward to report ASB. We will:

- Take all reports of ASB seriously and investigate.
- Support witnesses and victims throughout our investigations and work with appropriate agencies.
- Ensure our staff are aware of the ASB policy and procedures so they can appropriately offer support.
- Involve victims and witnesses in discussions about the action we will take to resolve their issue(s).
- Communicate with tenants by their preferred method and at an agreed frequency we can deliver.
- Keep tenants informed about the progress of their complaint.
- Refer victims, witnesses, and perpetrators to mediation when appropriate and other external agencies to assist in quickly resolving incidents.

We acknowledge that we cannot always prevent people becoming repeat victims of ASB; therefore, it is important that we work towards ensuring that there is a suitable and appropriate support network around everyone to enable them to manage their situation until a satisfactory resolution is achieved.

It is equally important that we work with perpetrators of ASB to assist them to resolve problems on a long-term basis. In all cases, will consider whether the ASB is a consequence of substance misuse, mental health or disability and we will liaise and refer to specialist agencies and organisations that may be able to provide support and/or assistance to perpetrators of ASB, including our Housing Plus Service.

What we expect of our tenants

We do not tolerate ASB and expect our tenants to behave responsibly and with consideration and not to commit or allow their family, household members or visitors to commit ASB. These expectations are clearly set out in the Tenancy Agreement.

We accept that neighbours will have different values or opinions and that sometimes this can cause problems which may or may not be ASB. However, we expect our tenants to show consideration and tolerance towards their neighbours as well as understanding that we all have a right to live our lives in the way that we choose.

In addition, we expect tenants to:

- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in the first instance in a reasonable neighbourly manner.
- Respect other people at all times
- Co-operate with the Council when seeking to resolve problems
- Engage with mediation services if this is recommended by the Council to resolve disputes.

How to report ASB

Tenants can report ASB in a number of ways to us, as follows:

- Online via our website: **www.darlington.gov.uk/housing/your-home/your-tenancy/nuisance-and-anti-social-behaviour/**
- Via email to **housing@darlington.gov.uk**
- Over the phone on **01325 405333**
- By letter to Housing Services,
  Darlington Borough Council, Town Hall,
  Feethams, Darlington, DL1 5QT

To report incidents of criminal behaviour residents should contact the Police, either via the non-emergency police number **101** or call **999** for emergencies.

Our response

The vast majority of ASB reports do not require legal action and will be effectively resolved through early intervention actions.

Each case will be dealt with in relation to its own facts and what we do in one case will not automatically mean that we will adopt the same approach in another. Our response is flexible, so that we can respond effectively to the different types of ASB that are reported.

We will contact complainants of serious reports of ASB within 1 working day of it being reported to us and we will agree a personal action plan, timescales and collect information and evidence. For all other reports of ASB we will make contact with complainants within 5 working days of it being reported to us.

Our approach towards dealing with ASB will be a combination of:

- **Case management** - We will work closely and collaboratively with tenants to agree personal action plans, based on the needs of the victim and the severity of the incident(s). We will also collect evidence throughout the investigation ranging from information from agencies and tenants to noise monitoring equipment. We will work particularly closely with the Police and Civic Enforcement Team to collect corroborating evidence.
- **Prevention and early intervention** - We will investigate and deal with incidents promptly. Early intervention may include verbal and written warnings to perpetrators, referrals to Restorative Justice and mediation or Acceptable Behaviour Contracts and Undertakings.
- **Information** - Our Tenancy Agreement clearly sets out our stance towards ASB and we will provide tenants with information on our website, social media and at the beginning and during their tenancy. We have a dedicated Tenancy Enforcement Team who will provide information, support, and assistance throughout an investigation.
- **Safeguarding and vulnerability** - We will always consider these factors in our case management, working closely and in partnership with a range of agencies to safeguard vulnerable tenants and their family.
- **Support** - We will offer support to victims and witnesses.
- **Enforcement and legal action** - We will take enforcement and legal action when appropriate and when other measures and attempts to resolve the problem have failed. We will seek to take legal action, which is appropriate, proportionate, and effective and we will ensure we follow all pre-court protocols when considering undertaking any possession action.

What legal action(s) can we take as a landlord?

Where all measures and attempts to resolve the problem have failed, or in instances of serious ASB, we will take a number of legal measures up to and including re-possession of tenant's homes through the eviction process. These include but are not limited to:

- **Notice of Seeking Possession (NOSP)** - This is a notice informing the tenant(s) that we intend to seek possession of their home due to breaching the terms of their Tenancy Agreement. We must serve this notice before making an application to court. A NOSP is valid for 12 months and we can take legal action at any time in that period.

- **Injunctions (ASB, Crime and Policing Act)** - A court may grant an injunction to a person aged 10 or over if certain conditions are met. If an injunction is granted, it can prohibit a person from doing actions prescribed in the injunction and it can also require the person to do certain actions. A power of arrest can be attached to an injunction.
- **Possession Proceedings** - A court may grant us possession of a tenant(s) home, meaning an eviction warrant would be issued. This will only be carried out at the judgement of the Court where ASB is a ground for termination of the tenancy. Victims and witnesses may be required to provide statements and/or attend court hearings to give evidence to the judge as well as ourselves.
- **Introductory Tenancies** - All new tenants start with an Introductory Tenancy which lasts 12 months. It can be extended by up to a further 6 months or we can apply to bring it to an end sooner through the courts if there are instances of ASB and breaches of the Tenancy Agreement. An Introductory Tenancy does not have as many key rights as a Secure Tenancy.
- **Demotion Orders** - We can apply for a tenancy to be demoted where a tenant, member of their household or visitor has been involved in ASB. This will result in the tenant losing some of the key rights of a Secure Tenancy such as Right to Buy, Mutual Exchange, transfer of tenancy etc.

Partnership Working

Partnership working is key to reducing ASB and making our tenants feel safe in their communities. We will work closely with existing partnerships such as Police, Civic Enforcement, Community Safety Partnerships, and we continually look to build new partnerships with other agencies where it will add value to our processes and communities.

Housing Services are also key partners of an ASB Strategic Group comprising of a range of agencies and departments. This is called Multi-Agency Problem Solving (MAPS).

Confidentiality, Data Protection and Information Sharing

Where appropriate, we will share information with the Police and other key agencies so that all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998 and subsequent legislation.

We will work within the provisions of General Data Protection Regulations 2018 which provide a background for the sharing of information and the need for confidentiality and privacy.

Performance Monitoring & Review

As part of our commitment to continuous improvement, we will monitor satisfaction levels and use customer feedback to improve our service. We will provide periodic performance reports for discussion with appropriate Customer Panels such as the Tenants Panel.

We will carry out a regular review of this policy to include any legislative changes and good practice examples

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