

## **Housing services anti-social behaviour policy**

### **Introduction**

Darlington Borough Council is committed to ensuring that every tenant enjoys their right to a decent environment and that victims of anti-social behaviour (ASB) receive appropriate support with the aim of resolving the problems caused by the behaviour.

We want our communities to be secure and peaceful places to live and we recognise that everyone has a right to live their lives in their own way. Unfortunately there are occasions when people do behave in an anti-social manner which affects the quality of life of other people and as such we may have to take action against those individuals. We will work with other agencies to take action when necessary.

To be effective in our approach our actions will be in proportion to the issue raised and will be a balance of prevention, intervention, enforcement and support. This involves working with a range of partners making the best use of the powers available to us as well as using our own internal resources in the most effective way.

### **Aims**

This policy aims to support our ASB procedures to manage ASB by:

- Raising awareness of how to report ASB and what we and other agencies can do to address it
- Encouraging and supporting neighbours to resolve issues between themselves where appropriate
- Responding proportionately to complaints
- Putting victims first by considering from the outset the effect of ASB on victims and any risk to them
- Taking a problem solving and flexible approach for each individual case in order to deliver effective case management
- Developing and maintaining effective partnerships with other agencies to tackle ASB
- Using available/relevant legislative and regulatory requirements

## **What is Anti-Social Behaviour?**

The Council's tenancy agreement defines ASB as:

"Behaviour that is likely to cause nuisance and harassment to others residing in, visiting or offering services in the locality"

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

- is capable of causing 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.

The above bullet points set out the legal definition of ASB. In practice, some judgement needs to be exercised in deciding what amounts to ASB in individual situations. In the rest of this document we explain how we will exercise that judgement and our overall approach to dealing with ASB.

The term 'housing management function' within the above definition is a wide one which covers anything undertaken by the Council as part of our day to day or strategic management of our stock. Examples include collecting rents, carrying out repairs, managing our neighbourhoods and also our care and support activities which include the Housing Plus Service.

We will also consider Hate Crime as a priority type of ASB due to its serious nature and the impact it has on its victims. We will work robustly with partners to tackle this particular type of unacceptable behaviour.

We accept that neighbours will have different values or opinions and that sometimes this can cause problems. 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. Not all reports relating to behaviour which impacts on an individual can be deemed as ASB.

## **What's the difference?**

We 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. Different people may become distressed or alarmed by different types of behaviour and activity. We will not always get involved in everything that is reported to us as causing a nuisance or annoyance.

Whether we consider an activity to be anti-social will depend on a number of things including how severely it is affecting others, how regularly it is happening, the vulnerability of the alleged victim and whether the behaviour reported could be considered unreasonable or unacceptable. The impact of ASB upon others is an important element in determining our response but it is not the only consideration.

Each case will be considered individually and on its own facts and our response will be one that is both reasonable and proportionate.

Examples of ASB could include but are not limited to:

- Domestic abuse
- Allowing dogs to foul in communal areas
- Hate crime (crime or harassment motivated by prejudice or hate)
- Playing loud music
- Dumping of rubbish and misuse of communal areas
- Using and selling drugs or other criminal activity
- Vandalism and graffiti
- Dogs barking continually
- Verbal abuse
- Intimidation/assault

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 provided that 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 anti-social.

We will work to manage expectations in regards to behaviour that we do not deem to be anti-social. We will offer advice and guidance to encourage and enable tenants to deal with or to manage the situation without our involvement. It is likely that we will not involve ourselves in disputes that have developed due to the posting of inflammatory/provocative comments on social media e.g. Facebook.

The Anti-Social Behaviour Act 2003 can 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. The public should be advised why birds should not be fed. The Council therefore may restrict the use of bird feeders where any of the above problems have been identified.

### **What we expect of our tenants**

We expect our tenants to behave responsibly and with consideration and not to commit or allow their family, household members, visitors or pets to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents, their visitors or other people in the area including council employees and contractors working on our behalf.

These expectations are clearly set out in the tenancy agreement and are fully explained to all new tenants at sign-up.

In addition we positively encourage 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

We will also 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, additional measures may be appropriate. This may include a variation of a tenancy agreement to include the requirement for support or other provisions to reduce the risk of tenancy failure.

### **Strategic Context**

This policy is to be read in conjunction with a number of other linked documents which direct the operation of the Council's Housing Service. This policy supports them and is designed to ensure they all work together towards the same goals.

### **Legal and Regulatory Framework**

This policy and the linked procedures document are compatible with the obligations imposed by various legislation. The legal framework for dealing with ASB is wide-ranging. Some of the more important pieces of legislation we work with include the following:

- Anti-Social Behaviour, Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- The Crime and Disorder Act 1998
- Police and Justice Act 2006
- Data Protection Act 1998 & 2003
- Housing Acts 1985, 1988, 1996 & 2004
- Children Act 1989 & 2004
- Equality Act 2010
- Human Rights Act 1998
- Environment Protection Act 1990
- Homelessness Act 2002

### **Complaints - Service Standards**

We have adopted the following service standards for responding to reports of ASB:

- 3 working days for what we believe to be serious incidents of ASB that directly impacts on an individual or household and is likely to result in further damage, abuse or violence.
- 15 working days for all other reports of ASB that may have a direct impact on an individual or household.

Initial contact will in most cases take place over the phone at which point the responsible officer will agree the next steps which need to be taken with the person making the complaint. This is explained more fully in our ASB procedures.

Information that is received about offensive graffiti will be reported for removal within 2 working days of notification.

We will carry out emergency/urgent repairs to damaged council property when it has been damaged as a result of serious incidents of ASB.

## **Support of Complainants and Witnesses**

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

- Ensure our staff are aware of the ASB policy and procedures
- Provide an appropriate response to complaints
- Put them in contact with other agencies and support services who can offer practical assistance and support
- Manage their expectations and being realistic about what we can and cannot do
- Involve them in discussions about the action we will take to resolve their issue
- Communicate with them by their preferred method and at a frequency we can deliver
- Keep them informed about the progress of their complaint

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 each individual to enable them to manage their situation until a satisfactory resolution is achieved.

We will aim to provide adequate/emotional support to victims and witnesses of ASB by working closely with relevant agencies to ensure their safety.

It is equally important to consider the support needs of perpetrators of ASB to assist them to resolve problems on a long term basis. This assessment will consider whether the ASB is a consequence of e.g. substance misuse, mental health or disability.

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 the Housing Plus Service.

## **Our response**

The vast majority of ASB reports will not require legal action and will be effectively resolved through early intervention actions. Early intervention may include the following:

- Verbal and written warnings
- Home visits and meetings
- Restorative Justice and/or Restorative Mediation
- Acceptable Behaviour Contracts and Undertakings

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

It is our experience that in most cases the ASB can be addressed quickly if challenged early enough and without the need to consider a legal solution however, legal action may be taken in cases where non-legal remedies have failed to provide a lasting solution and it is considered reasonable and proportionate to do so.

## **Partnership Working**

We recognise that dealing with ASB is not the sole responsibility of any single agency. We are part of the wider community and share the problems and challenges of our community. Partnership working is vital if we are to deal effectively with ASB within our communities.

## **Anti-Social Behaviour Strategic Group**

Continuing to reduce ASB remains a Community Safety Partnership priority and an ASB Strategic Group comprising of a range of agencies and departments (including Housing Services) meet regularly and contribute towards reducing incidents of ASB within the Borough of Darlington. This is called One Darlington Multi-Agency Problem Solving (MAPS).

## **Confidentiality, Data Protection and Information Sharing**

The Darlington Community Safety Partnership (which includes the Council) has agreed an information sharing protocol covering a range of statutory agencies within the Borough of Darlington. This allows the legal exchange of information for the prevention of crime and disorder in accordance with section 115 of the Crime and Disorder Act 1998.

## **Complainant Confidentiality**

The guiding principle of confidentiality will be that the identity of the person making the complaint will not be released unless the complainant agrees to this. For specific complaints the identity of that complainant will be obvious to the perpetrator. The complainant will be advised of this and will need to agree that the perpetrator is contacted. If this permission is not given we may close the complaint.

In extreme cases the Council may be obliged to take positive action against a perpetrator even against the wishes of the complainant. This is because the Council is committed to combating ASB and a failure to take action may have serious implications for the complainant or other residents in the area. A decision to proceed in such cases will be made by the Housing Team Leader or Tenancy Enforcement Officer. The complainant will be informed about this prior to any action being taken; this may be by phone/face to face but will be followed up by the sending of a letter.

## **Crime and Disorder**

Section 115 of the Crime and Disorder Act 1998 establishes the power to disclose information, which is central to partnership working. The police have an important and general power at common law to disclose information for the prevention, detection and reduction of crime. The message to the perpetrators of ASB is that the Council will share appropriate information about them.

## **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 Board.

We will carry out an annual refreshment of this policy (and the linked procedures document) to include any legislative changes and good practice examples.

**Reviewed & updated July 2020 – Lyndsey Robinson**

