



Lancaster City Council

Housing and Property: Council Housing

Anti-social Behaviour (ASB) Policy

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1. Background

- 1.1. Council Housing aims to ensure that all our tenants and residents who live in our communities, and people who visit and work in our communities are free from serious disturbance and intimidation. We recognise that anti-social behaviour (ASB) can have a devastating impact on people's lives and within the scope of our work we are fully committed to dealing with incidents of ASB and the causes of ASB by working collaboratively with our partners and communities, to support those who are experiencing ASB, and to positively engage with those who are causing ASB, to prevent further incidents from taking place, by using a range of tools and powers that support the triple track approach of Prevention, Intervention and Enforcement.
- 1.2. We will use a range of early intervention and preventative measures to directly challenge the ASB and identify rehabilitation and support pathways for those who are causing the ASB, and we will apply more formal enforcement tools where preventative approaches have not succeeded to stop the ASB, and where the harmful behaviour is continuing.
- 1.3. We will take a victim centred approach, putting the victim at the centre of our work, focussing on the harm they are experiencing and the impact that the ASB is having on people's lives, the wider community as well as the environment.
- 1.4. This Policy provides a framework of how we will approach ASB issues, what our staff will do, and how we will deliver our ASB services. We recognise the importance of supporting our communities and engaging with them, so that together we can build stronger, safer neighbourhoods, and this policy sets out what we will do and what our tenants and residents can do to support this.

2. Purpose

- 2.1. To adopt a harm centred approach to ASB case handling, and to ensure that victims and witnesses are assessed in terms of risk and vulnerability, so that appropriate levels of support can be put in place as soon as possible, and throughout the life of the case. The needs of the victim and the witnesses will not be outweighed by the needs of the person who is causing the ASB, the focus will remain on the harm that is being caused to the victims and the wider community.
- 2.2. The scope of Council's Housing Community Safety Team is to tackle ASB affecting or perpetrated by Council Tenants. However tackling ASB effectively is everyone's business, and we know we need to support and engage with our communities, in order to build community confidence. We are fully committed to partnership working, we know the best results come from an integrated approach, and central to this will be supporting and engaging with tenants and residents, as well as our partner agencies including the voluntary sector. Our aim is to take a stand together against anti-social behaviour, and to move away from situations where communities tolerate problems, to one where everyone works together to tackle the problems and improve the quality of life for all.
- 2.3. This Policy meets the requirements set out by the Equality Act 2010 and aims to prevent unlawful discrimination; we recognise that ASB can disproportionately impact those people with

protected characteristics. We are strongly committed to fairness and making sure that everyone has the same opportunities to achieve the same or similar outcomes and we will take additional steps in the application of this policy and make reasonable adjustments to ensure compliance with the Act.

2.4. Council Housing has a separate Policy related to

- Domestic Abuse,
- Hate Related Behaviour,
- Noise Nuisance,
- Hoarding.

3. Our Commitment

- 3.1. To ensure a service for reporting ASB is available and accessible for customers, colleagues, partner agencies and members of the public.
- 3.2. To respond to reports of ASB in a timely manner, based on risk and take all reports seriously.
- 3.3. Acknowledge that each case of anti-social behaviour is different and take a harm centred approach to dealing with the issue, tailoring the support offered to victims and witnesses appropriately.
- 3.4. Use a national standard risk assessment matrix, (therefore recognised by other agencies) applied to any case of ASB irrespective of type or category – where there is an identifiable complainant.
- 3.5. To support those who are experiencing ASB, and stay in contact with them, keeping them informed of progress throughout their case.
- 3.6. To identify additional support needs of ALL the parties involved and make appropriate referrals to specialist agencies where consent has been given.
- 3.7. To tackle anti-social behaviour through effective coordination of service actions including prevention, intervention, and enforcement.
- 3.8. To work with partner agencies to deliver an integrated approach to tackling the drivers of anti-social behaviour including substance misuse, mental health issues, and troubled family backgrounds.
- 3.9. To use our professional judgement as to whether reports of ASB can be realistically investigated and resolved.
- 3.10. To undertake action that is reasonable and proportionate and be clear with customers on the range of interventions and solutions available.
- 3.11. Have in place a robust tenancy agreement clearly outlining our stance on anti-social behaviour, use Introductory Tenancies, and adopt sensitive local lettings where appropriate.

- 3.12. Record information received about violent and abusive behaviour committed by our tenants and residents in accordance with our GDPR (Data Protection) obligations.
- 3.13. Provide easy to read information approved by customers which summarises how we will manage ASB, including timescales for responding to reports, and translate this information for those customers whose first language is not English.
- 3.14. Where appropriate, publicise successful enforcement and prevention actions and initiatives.

4. Our Aims

- 4.1. To meet legal requirements – publishing a policy and procedure statement in accordance with Section 218 A of the Housing Act 1996 and Section 12 of the ASB Act 2003 and comply with the ASB requirements of the Neighbourhood and Community Regulatory Standard.
- 4.2. To define what we mean by ASB and what customers can reasonably expect from us.
- 4.3. Use effective intervention models, as well as legal tools to assist us in developing an effective approach in the prevention and management of ASB.
- 4.4. To encourage our residents, where possible, to try to resolve their disputes themselves if it is safe to do so.
- 4.5. To raise awareness amongst our customers for the need to act reasonably and be considerate of the different values and lifestyles reflected across our neighbourhoods and communities.
- 4.6. To ensure relevant employees have access to training to respond quickly and effectively to reports of ASB.
- 4.7. Ensure that information is treated confidentially, unless there is an overriding safeguarding issue which requires us to share information with appropriate agencies.
- 4.8. Not tolerate any behaviour that is designed to threaten, intimidate, or abuse our staff or contractors. If necessary, we will seek legal remedies should staff be subjected to this type of behaviour from our customers.
- 4.9. Promote fair and equal treatment for everyone.

5. Definition – ASB Threshold

- 5.1. The legal definition of ASB that we will use is outlined in the Anti-Social Behaviour Crime and Policing Act of 2014 defines ASB as: -
 - 1) ***Conduct capable of causing nuisance and annoyance to a person in relation to that person's occupation of residential premises***
 - 2) ***Conduct capable of causing housing related nuisance or annoyance to any person –***

- 5.2. We will rely upon this definition in our assessment of a report of ASB, and will challenge any person who's ASB conduct is directly or indirectly affecting our housing management function.
- 5.3. We will also rely upon the nuisance and annoyance clauses within our tenancy agreements.
- 5.4. Council Housing tenants are responsible for: -
- their own behaviour,
 - the behaviour of any other person living in the tenancy,
 - the behaviour of any person visiting the tenancy,
- 5.5. ASB can mean different things to different people and therefore we have developed a threshold and a framework within which we will operate, in order to assess those behaviours and actions that are deemed to be unacceptable and harmful, and are considered to be unreasonable standards of behaviour.
- 5.6. We consider the following as some examples of the more common types of ASB, but this is not an exhaustive list:
- Hate-related incidents (where the behaviour is motivated by hostility and prejudice based on race, ethnicity, nationality, sexual orientation, gender, disability, religion, age),
 - Domestic Abuse /Violence, including coercive and controlling behaviour,
 - Actual violence/threats of violence against people or property,
 - Serious vandalism and damage to property,
 - Repeated verbal abuse, harassment, intimidation, or threatening behaviour,
 - Extreme and excessive noise that is persistent and unreasonable, and is causing unacceptable levels of disturbance to a reasonable person,
 - Persistent pet and animal nuisance where the animal's behaviour is unacceptable and harmful and is causing unreasonable levels of disturbance to a reasonable person,
 - Fly tipping,
 - Offensive Graffiti,
 - Unacceptable property and garden condition,
 - Unacceptable and harmful behaviour manifested from drug and alcohol misuse.
- 5.7. Generally, our ASB cases will be categorised as follows:
- Personal – where the ASB is targeted or intentional, or where a person/group is being directly affected by the ASB,
 - Environmental – where the harm is mainly being directed towards the environment e.g., fly tipping, offensive graffiti, vandalism to street furniture,
 - Nuisance – where there is general nuisance taking place in the street /neighbourhood, where the harm is impacting/ affecting the community generally.

6. Criminal Activity

- 6.1. We recognise that some types of crime related activity cannot be effectively tackled without collaborative working relationships with the Police as the lead agency, as well as working closely with those members of the public who are being affected by the criminal activity.

- 6.2. Where criminal activity is being reported we will encourage the person making the complaint to also report it directly to the Police or via Crimestoppers, and we will work with the Police as the lead agency and provide them with any appropriate intelligence and information that will support their criminal investigation.
- 6.3. We will take reasonable and proportionate action to address the associated ASB and support the victims and witnesses in these cases and encourage them to engage with ourselves and other agencies like the Police, so that appropriate measures can be put in place to stop the associated ASB from escalating.

7. Reports that may be assessed as non-ASB

- 7.1. We recognise that sometimes customers will report certain types of behaviour as anti-social, but following our robust assessment, we may conclude that the reported behaviour is not antisocial in accordance with the definition and the framework we use, and therefore does not meet the threshold of unacceptable harmful behaviour. We must all accept that we will experience reasonable levels of disturbance from time to time, and therefore we will not accept reports of behaviour that most people accept as a reasonable part of everyday life.
- 7.2. We will not generally investigate the following unless there is clear evidence that there are unacceptable levels of behaviour taking place which is causing serious harm to others, the community, or the environment. This list is not exhaustive.
- Babies crying,
 - Children playing outside,
 - Children falling out with each other,
 - One off parties and BBQ's,
 - Giving dirty looks or stares,
 - Reasonable actions that are considered to be part of everyday activities,
 - Reasonable household noise,
 - Name calling and social media disputes unless it is deemed to be harassment,
 - Unpleasant smells
 - DIY activities at reasonable times,
 - Isolated and short incidents of dog barking,
 - Cats roaming in gardens,
 - Neighbour disagreements.
- 7.3. Where unpleasant smells are alleged to be cannabis-related these will be assessed on a case-by-case basis through the triage process. Where appropriate (i.e. where demonstrable nuisance and annoyance is occurring) cases will be dealt with through the ASB process. Reports of smells of cannabis will also be reported to the Police.
- 7.4. In situations where we assess the behaviour reported is not ASB, we may advise them on alternative methods of conflict resolution and self-help.
- 7.5. We operate a harm centred approach when dealing with reports of ASB and housing related nuisance, and where a customer is assessed as vulnerable, we will offer support as well as signposting to other agencies.

8. Reporting ASB

- 8.1. Any person can report complaints of anti-social behaviour in a number of ways
- Phone during office hours: 01524 582000
 - Out of hours reporting line: 01524 67099
 - by e-mail at anytime: councilhousing@lancaster.gov.uk
 - Via Social Media (<https://www.facebook.com/LanCityHousing>)
 - In person at any of our offices during office hours
 - By writing to us at: Council Housing, Town Hall, Dalton Square, Lancaster, LA1 1PJ

9. Case Priority and Investigation

- 9.1. Reports of ASB will be assessed and prioritised at the point of contact. This will involve the reporter being asked a series of questions relating to the ASB, so that we can assess the potential risk of harm being caused. The ASB report will then be allocated to a named officer.
- 9.2. If the initial report involves a recent threat or use of violence, or there is a significant risk of harm, i.e., a hate crime or domestic abuse, or the reporter is assessed as highly vulnerable, an officer will aim to contact the reporter the same day where this is practical to do so or within 24 hours.
- 9.3. For all other reports of ASB an Officer will aim to contact the reporter within 5 working days.
- 9.4. All reports of ASB will be taken seriously, assessed appropriately, and recorded on our internal reporting systems.
- 9.5. All ASB cases will be regularly assessed throughout the investigation using a risk assessment matrix, which will determine case priority, response times and frequency of contact with the parties involved.
- 9.6. Case Officers will maintain high quality standards of casework activity and robust record keeping throughout the investigation of a case.
- 9.7. The Case Officers will keep in regular contact with the parties involved in the case, agree action plans, and provide feedback on a regular basis, using the customers preferred method of communication.
- 9.8. We will actively encourage the parties involved to engage with us and work with us to resolve the issues, and where the ASB continues we will stay in touch with the reporter and any other witnesses, and encourage them to continue to provide us with information about any ongoing incidents of ASB that they may be experiencing. Collecting further evidence of ongoing ASB is very important and therefore we will explain this to the reporter and agree with them how this ongoing evidence will be collected.
- 9.9. We will usually request the reporter to keep a written record of what is happening and ask them to submit these to their case officer on a regular basis. Where this is not possible, the case officer will agree more appropriate options for collecting the details of any further incidents.

- 9.10. If a reporter states they wish to remain anonymous and do not want their identity disclosed we will respect their decision. However this may limit what direct action we can take in relation to the subject who is responsible for the anti-social behaviour.
- 9.11. Throughout the case, we will continuously assess and review progress of the case, taking reasonable and proportionate steps at all times.

10. Support and Vulnerability

- 10.1. If the reporter or the person causing the ASB has any support needs, or vulnerabilities, these will be discussed with the case officer in a sensitive manner, and the case officer will encourage engagement with appropriate support services by making referrals and signposting the person to the appropriate specialist agencies, if the person gives consent to do so. Officers will refer to our separate Vulnerability Policy in these cases.
- 10.2. If the reporter or the subject refuse to give their consent to the referral being made, the case officer will explore this further with the reporter or the subject to try and allay any fears that the person may have. However, if the customer is adamant they do not wish to be referred or have their personal details shared with any other organisations we will have to accept and respect their decision.
- 10.3. If we identify any safeguarding concerns, then this would override the customers refusal to give their consent, and in these situations, we will explain to the customer why the referral would still need to be made.

11. Prevention: Intervention: Enforcement (PIE)

- 11.1. We will adopt a triple track approach of Prevention, Intervention and Enforcement (PIE) to our casework, and deal with each case on its own merits. We will look at early intervention/prevention remedies first, (unless there has been a serious incident e.g., threat/use of violence).
- 11.2. We use a wide range of tools and powers to challenge unacceptable behaviour and will decide on a case-by-case basis which tools and powers will be the most appropriate to use.
- 11.3. Generally, in those cases that have been assessed as non-urgent, where there is no ongoing serious risk of harm or imminent danger, early interventions tools and techniques will be applied based on tried and tested casework resolution, for example:
- conflict resolution
 - mediation
 - restorative solutions
 - good neighbour agreements
 - accessing diversionary activities or support
- 11.4. All parties involved will be encouraged to engage and participate in order to stop incidents from escalating.

- 11.5. We believe that in most of these types of reported cases, customers can bring about sustainable solutions just by communicating with each other, respecting one another's point of view, and reaching a compromise.
- 11.6. We will consider enforcement action where early intervention techniques have not been successful and the harmful behaviour is continuing, or where reporters need protection to prevent further ASB incidents from occurring and where the person causing the harmful behaviour is refusing to engage with us and/or appropriate support services. We adopt a victim centred approach and therefore would seek permission first from victims and witnesses to use their evidence in any legal action we were considering.
- 11.7. We will only take enforcement action if it is reasonable and proportionate to do so. Based on the case itself, and what is happening in a specific case, we will decide whether or not we should initiate our own legal action, or whether it is more appropriate and beneficial, as part of a wider community safety strategy, to support the enforcement action of a partner agency. We will always work closely with the Police, our colleagues in the Local Authority, other agencies and other landlords to develop strategies and initiatives which respond to and reduce the incidence of anti-social behaviour.
- 11.8. If court action is required, we will support reporters and witnesses throughout the court process and beyond. We understand that not everyone feels able to give evidence in court, but ASB cases are most successful where we have witnesses who can give their own account of what they have been experiencing.
- 11.9. Where ASB is linked to Domestic Abuse or is Hate related we will follow the relevant policies associated with these serious offences and take appropriate action against those responsible and ensure that the victims and witnesses in such cases receive appropriate levels of support and advice.
- 11.10. We will not tolerate abuse towards our staff, or our contractors or anyone else providing services on our behalf. This includes threats of violence, verbal abuse and intimidation, harassment, and actual violence. In such situations Council Housing will always take appropriate action against those who perpetrate these types of serious offences in line with the published Council Housing Acceptable Behaviour Policy and in most instances perpetrators will be placed on our internal Staff Warning Register.

12. Cross Tenure Issues

- 12.1. Cross-tenure issues in the context of social housing refer to challenges and conflicts that emerge between individuals or households residing in different types of housing tenures within a housing development or community e.g., issues between those who rent and those who own their property.
- 12.2. We recognise the wider responsibilities we have to work across all tenures and contribute towards the development of communities which are safe and welcoming to all.

- 12.3. As a responsible social landlord, we recognise we do have some powers beyond our own tenancy agreement and will use the legal authorities provided in the ASB Crime and Policing Act 2014, to challenge any person who is causing ASB in the localities where we have stock and where their ASB is impacting on our housing management functions.
- 12.4. We will work closely with other registered providers, and work together to tackle cross tenure community safety issues, by developing strategies and neighbourhood plans to support victims and witnesses who may be suffering in our communities, to intervene early and to use our tools and powers effectively to stop an escalation of the anti-social behaviour.

13. Closing a Case

- 13.1. We will look to close a case in the following circumstances: -
- Reasonable and Proportionate steps have been taken and the ASB is no longer being reported,
 - The subject is engaging with support services, and s/he is no longer causing ASB,
 - The subject has moved and the ASB has stopped,
 - There is insufficient, ongoing evidence that ASB is still being perpetrated.
- 13.2. We will inform the reporters and any witnesses initially about the case closure and then will advise all parties in writing, including any agencies and services that may have been involved in the case.
- 13.3. We will always consider the customers views when closing a case, however, we cannot guarantee that the action we take will be what the customer is expecting or wants. Council Housing must operate within legal guidelines and our policy framework which focusses on reasonableness and proportionality.
- 13.4. We will not re -open a case without good reason, for example, where there has been a change in circumstances or fresh evidence has come to light that satisfies Council Housing that ASB is occurring.

14. Customer Responsibilities

- 14.1. We do expect customers to take responsibility for their own behaviours and actions. In situations where there is a dispute or disagreement between neighbours, we will encourage those customers to try and resolve things themselves, (unless there is a serious risk of harm/violence or abuse). We will offer them advice on how they might approach their neighbour to resolve the conflict or suggest a referral to mediation to support them in reaching a resolution.
- 14.2. We do expect our tenants to show consideration to their neighbours and their community, and not commit, or allow their family or visitors to commit acts of ASB. This includes harassment, unreasonable excessive noise nuisance, unreasonable disturbance to other residents or other people in the area, including colleagues and contractors.
- 14.3. We will engage with our customers and encourage them to: -

- Report criminal activity to the Police,
- Report all incidents of ASB, harassment, Hate Crime and Domestic Abuse to us, and to the Police and any other relevant agencies,
- Take responsibility for minor personal disputes with their neighbours – resolve problems in a reasonable manner.

15. Safeguarding

- 15.1. Council Housing adheres to the Safeguarding guidance of Lancashire County Council.
- 15.2. We ensure that all our staff are trained to identify and prevent safeguarding issues and understands the different aspects of safeguarding that they have a duty to report as a minimum requirement.
- 15.3. We will report safeguarding concerns through the appropriate channels provided by Lancashire County Council.

16. Working Together in Partnership

- 16.1. We are committed to working collaboratively, and we work in partnership with both statutory, and non-statutory agencies, as well as members of our community, to maintain a safe environment for our tenants and residents.
- 16.2. We are involved and do contribute to local partnership meetings to identify solutions to prevent incidents of ASB, protect people who are experiencing ASB and to challenge those who are responsible for it.
- 16.3. On a case-by-case basis, we will assess which partners and agencies may need to be involved, so that a holistic approach to case resolution can be identified This can include but is not limited to:
- Police,
 - Lancashire Fire and Rescue,
 - Community Mental Health Team,
 - Social Services.

17. Data Protection and Information Sharing

- 17.1. We will share information with our partners in accordance with relevant legislation such as the General Data Protection Regulations 2018, Data Protection Act 2000 and the Crime and Disorder Act 1998, to help protect vulnerable victims and detect, prevent, and take coordinated action against crime and ASB.
- 17.2. We are committed to ensuring customer confidentiality and will not disclose their identity unless they agree that we can, or unless there is a need to share that and other information with other agencies for lawful purposes, such as where there is a need to safeguard someone at risk.

18. Staff Training and Support

- 18.1. We will ensure that relevant staff are able to access appropriate training as well as updates on relevant legislation and changes in national policy drivers. We are committed to continuous personal development and training and will access both internal and external training appropriately.

19. Complaints

- 19.1. Any party involved in an ASB case can make a complaint to Council Housing if they are not satisfied about how their case has been handled. When a complaint of this type is made Council Housing will follow the process set out in our complaints policy and process.

20. ASB Case Review

- 20.1. In situations where a reporter is not satisfied that we have taken appropriate action/steps to deal with their ASB report, they have the legal right under the ASB crime and Policing Act 2014 to request a formal review of the ASB case.
- 20.2. In order to request an ASB case review a locally agreed threshold must be met. Further information about how the Community Trigger can be invoked can be found at: [Community trigger - Lancaster City Council](#).
- 20.3. Our staff will support residents to contact the local authority Community Safety Partnership who can provide them with advice on how to invoke the trigger.

21. Quality Assurance and Monitoring

- 21.1. We will consult with all the relevant key stakeholders, including customers and staff on our policy to tackle anti-social behaviour and to improve its effectiveness on a regular basis.
- 21.2. We will invite customers to scrutinise our service and give us feedback for improvements.
- 21.3. We will seek feedback from customers and carry out regular monitoring and reviews of all reported cases of anti-social behaviour, including the numbers, progress, and outcomes of cases.
- 21.4. We aspire to benchmark our service and results against other housing providers and partner agencies.
- 21.5. Individual cases will be closely supervised and managed by the Community Safety Manager on a regular basis with the case officer. The Community Safety Manager will provide appropriate advice and support to case officers and provide direction ensuring that cases are progressed in line with operating guidelines and procedures.

- 21.6. Performance information will be collected monthly and quarterly and shared appropriately with the team, the Housing Senior Leadership Team, Council Housing Advisory Group and Cabinet. A summary of which will be made available to tenants and the public via the council's webpage.

22. Review Process

- 22.1. This Policy and associated procedures and guidance will be reviewed every two years or sooner if there are significant changes to legislation, regulatory changes, national policy changes or there is an operational need to do so. Any amendments will be appropriately consulted on and signed off, and clearly communicated to the wider Council Housing staff groups as well as our tenants and residents.

23. Other Associated Documents

- ASB guidance notes for staff
- Domestic Abuse Policy
- Hate Behaviour Policy
- Noise Nuisance Policy
- Hoarding Policy
- Lancashire County Council – Health and Social Care: Safeguarding Guidance.
- Allocation /Lettings Policy
- Complaints Policy
- Unacceptable Behaviour Policy
- Vulnerability Policy

24. Relevant Legislation

- ASB Crime and Policing Act 2014
- Equality Act 2010
- Housing Acts 1985, 1988 and 1996
- ASB Act 2003
- Crime and Disorder Act 1998
- GDPR 2018
- Data Protection Act 2000