

## Homes & Neighbourhoods

# Anti-Social Behaviour Policy

**Summary** - To publish the Homes and Neighbourhoods (H&N) Anti-social Behaviour Policy and to outline the procedures used in tackling the problem on Kirklees Council Estates.

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# Contents

Policy .....	1
What We Mean by Anti-Social Behaviour .....	2
Support for Victims and Witnesses .....	7
When Do We Close a Case? .....	7
Reporting and Monitoring .....	8
Training and Support .....	9
Further Information .....	9
Review .....	10
Referenced Documents and Further Reading .....	10
Appendix A .....	11

# 1 Policy

- 1.1 The purpose of this policy is to outline the overall approach to tackling anti-social behaviour (ASB) on our estates.
- 1.2 The principles behind our approach link directly to the Kirklees Anti-Social Behaviour Strategy 2017-2020 and Kirklees Communities Partnership Plan 2018-2021 which highlights tackling ASB as a key strategic theme. H&N work in partnership with Kirklees Council's Safer Kirklees Team to tackle ASB
- 1.3 The main objective is to ensure that all tenants, have the right to live peacefully and safely in their home and neighbourhoods without the fear of crime or ASB  
The Regulator for Social Housing – Consumer Standard for Neighbourhood and Community states: Registered providers shall publish a policy on how they work with relevant partners to prevent and ASB in areas where they own properties
- 1.4 The Council will be responsible for making sure that all customers regardless of tenure or property type, including their family members, lodgers and visitors, comply with the full terms of their tenancy agreement.

H&N adopts a victim centred approach and we will look to protect and support tenants and residents and seek resolutions with urgency and understanding and stop situations escalating through early intervention. We will help victims and witnesses by making it clear how ASB can be reported, by offering a range of interventions and giving timely feedback on the case. We will listen to victims and check to ensure their views have been captured correctly.

- 1.5 H&N's response to a report of ASB will be determined according to published Service Standards.
- 1.6 We will provide the victim with the following information:
  - A named officer and agreed method contact and frequency (e.g. weekly by email)
  - Details of support available to the victim
  - What to do if the victim is not satisfied with the service received, including information on how to use a community trigger
- 1.7 We encourage tenants and residents to find their own community based solutions to conflict and to build positive relationships with one another at a local level to build community resilience. It is recognised that people may fear reprisals and we will work with victims and provide the most appropriate support.

- 1.8 In the event that local resolution is not found, we will pursue perpetrators of ASB with the full range of enforcement action available to us and seek resolutions which are fair and proportionate.
- 1.9 It is acknowledged that tackling ASB is difficult in isolation and a whole range of complex issues can exist, therefore in the majority of cases a multi-agency approach will be adopted. This policy is based upon the joint principles set out in the Kirklees Communities Partnership Plan 2018-2021 which seeks to adopt a joined up approach when dealing with ASB.
- 1.10 The aims and objectives of this Policy are to:
- Clearly define and agree on what we describe as ASB
  - Ensure we look after the interests of all the tenants and residents who live on Kirklees Council estates and the staff who work there
  - Promote early intervention to prevent ASB happening in the first place
  - Improve customer satisfaction in the way H&N and Safer Kirklees deal with ASB
  - Ensure consistency throughout H&N and Safer Kirklees in the management of ASB
  - Ensure that service standards are consistent across H&N and Safer Kirklees

## **What We Mean by Anti-Social Behaviour**

- 2.1 Within the Anti-Social Behaviour, Crime and Policing Act 2014, Anti-Social Behaviour (ASB) is defined as such:
- 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.*
- 2.2 The Kirklees Communities Partnership Plan 2018-2021 defines ASB as behaviour which causes 'harassment, alarm or distress' to individuals and communities and is grouped into 3 main types:

## Personal

- 2.3 Where behaviour is deliberately targeted at an individual or group and has an impact on them (as opposed to the wider community). This will vary from mild annoyance through to significant impact on mental or emotional well-being. Personal ASB includes;
- **Noise affecting Neighbours**
  - **Abuse, intimidation and threats, rowdy behaviour** Where this affects individual families as opposed to the wider community

## Nuisance

- 2.4 This is where incidents cause annoyance and suffering to the local community generally, rather than to specific individuals. This behaviour will contravene expectation – the tolerance of what this constitutes will vary between communities.
- 2.5 Nuisance ASB includes;
- **Traffic** speeding and parking, particularly around schools at the beginning and end of the school day
  - **Noise** affecting the wider community, particularly from the **behaviour of groups** and from the misuse of **motorcycles and fireworks** (these can have a disproportionate effect on a large number of people)

## Environmental

- 2.6 This includes incidents which have an impact on surroundings – natural, built and social environments. This relates to both private space but also public and shared spaces and centres around single offences such as graffiti, litter, fly tipping and abandoned vehicles. These events negatively impact on fear of crime and lead to further deterioration of neighbourhoods including criminal damage and arsons if left unchecked.
- 2.7 Examples of Anti-Social Behaviour include but are not limited to:
- Harassment and intimidation
  - Anti-social use of vehicles including motor bikes
  - Being noisy and disruptive or allowing family members or visitors to behave in such a way
  - Failing to properly control a pet or allowing it to foul or cause damage/harm to property and people
  - Damaging or threatening to damage another person's property
  - Throwing rubbish into their own or a neighbour's garden or into communal areas

- Dealing drugs or other unlawful substances from the property
  - Hate behaviour that targets members of identified groups because of their perceived differences.
- 2.8 Where ASB is not addressed, it tends to have a serious negative impact on wellbeing in communities and can often escalate in severity.
- 2.9 Domestic Abuse was been included in previous ASB policies. A separate policy has been produced to address this area.

### **Hate Crime**

- 2.10 A hate crime is any crime that is motivated by hostility on the grounds of race, sexual orientation, disability and religion or transgender identity. Similarly, a hate incident is any incident perceived by the victim, or any other person to be motivated by hostility or prejudice based on the person's race, sexual orientation, disability, religion or transgender identity.

### **Resolutions we can offer**

- 2.11 H&N's approach centres on early intervention and prevention to stop issues escalating in the first place and reflects the delivery of the Kirklees ASB Strategy with a focus of preventing and reducing ASB through integrated partnership working.
- 2.12 H&N are a key partner in the Communities Outcome Groups (COG). These are multi-agency groups which deliver the implementation of a consistent approach to integrated partnership working across Kirklees. The COGs provide officers dealing with crime and ASB issues the ability to share intelligence and utilise resources from partners.

### **Mediation**

- 2.13 Working in partnership with the Safer Kirklees, we can offer mediation support between neighbours and devise and action plan to find a solution that both parties agree on.

### **Warnings**

- 2.14 The Council will advise tenants or other residents that their actions are unacceptable and warn them regarding their future behaviour.

### **Community Resolution**

- 2.15 A Community Resolution is an informal non-statutory disposal used for dealing with less serious crime and ASB where the offender accepts responsibility. This process is instigated by the Police and may involve the Safer Kirklees working in collaboration to identify a suitable activity for the offender to take part in. This

could be for example, repainting a fence that has been damaged, or removing graffiti.

### **Restorative Justice**

- 2.16 Restorative justice gives victims the chance to meet or communicate with their offender to explain the real impact of the crime - it empowers victims by giving them a voice. It also holds offenders to account for what they have done and helps them to take responsibility and make amends.

### **Community Trigger**

- 2.17 This is a process that gives victims and communities the chance to request a review of their case and, where appropriate, develop an action plan to address the situation. A victim, or someone representing them, can activate the Community Trigger if they feel that they have made complaints and nothing is being done to help them, or their complaints have not been dealt with appropriately. For more information on Community Triggers is available at [www.kirklees.gov.uk](http://www.kirklees.gov.uk).

### **Acceptable Behaviour Contracts (ABC)**

- 2.18 Acceptable Behaviour Contracts are used to stop ASB. They are a written agreement between the person involved (together with their parent/guardian if under 18) and H&N. A contract will comprise of a list of agreed behaviours for the perpetrator to follow to prevent the continuation of ASB. The perpetrator may or may not sign the ABC but the document can still be referred to and used in evidence if necessary at a later date.

### **Tools and Powers**

- 2.19 Where initial interventions have not been successful in dealing with the problem and a more specialist support is required, H&N can make a referral to the Safer Kirklees team. This is a partnership team made up of Council and Police officers with specialist knowledge of ASB and legal remedies.
- 2.20 Where ASB is more entrenched and therefore the prevention and early intervention has not worked, Safer Kirklees may be able to utilise legislation within the Crime and Policing Act 2014. This may include:
- **Criminal Behaviour Order** - This is a Court order to tackle ASB which is applied following a conviction for any criminal offence. The order can include prohibitions and positive requirements. Typical uses of this could be for offences such as harassment, hate crime, drunk and rowdy behaviour etc.
  - **Adult and Youth Injunction** - This is a civil power to stop a person's ASB escalating and set a clear standard of behaviour. There are a number of statutory requirements required to apply for an Injunction and, unless in an

emergency situation, other remedies should have been tried first. The order can include prohibitions and positive requirements and this legislation can be used for perpetrators aged 10 or over. As part of an Injunction application, H&N can apply to exclude people from certain areas or properties and ask the court to include a power of arrest. Where such an injunction is in force, the police will arrest any perpetrator who breaches the injunction.

- **Closure Order** - Where there is persistent disorder associated with a property, Kirklees Council or the police can apply to a magistrates' court for a premises closure order. This prevents anyone other than the tenant from entering the property for a period of up to 6 months. Anyone who does so faces arrest. If, after the end of the Closure Notice period, the disorder resumes, then we may seek possession of the property.
- **Community Protection Notice** - This is a notice to stop individuals, businesses or organisations from causing ASB by persistent or continuing conduct which negatively affects a community's quality of life. The Notice can include requirements to stop activities and take steps to avoid further ASB. This legislation could be used for graffiti, dog fouling, persistent begging, noise disturbance and problematic use of cannabis.
- **Public Space Protection Order** - Order designed to protect public spaces from persistently anti-social individuals or groups. This order can include reasonable restrictions and requirements. A typical use for this legislation would be to tackle dog fouling, alcohol/drug-related ASB etc.
- **Absolute Grounds for Possession** - Where all earlier efforts to address the ASB have failed, then action may be taken against an individual's tenancy. This legislation allows a local authority to seek possession of a secure tenant's property. This legislation is used in extreme cases and certain criteria have to be met, e.g. a conviction for a breach of noise abatement notice or certain criminal convictions.
- **Notice of Seeking Possession (NOSP)** - This is a legal notice that signifies the start of legal proceedings. We may ask the court to evict someone from their home but in order to do this we will have to prove that they have broken their tenancy conditions, and that it is reasonable to evict them.

If we issue a NOSP to a tenant, it is a signal that we intend to carry out the possession and is far more serious than a warning; it means the tenant's continued occupation of a Council property is in serious jeopardy unless they significantly improve their behaviour.

- **Suspended Possession Order (SPO)** - In some cases the court may grant a suspended possession order. This means a person will not be evicted as long as they comply with certain conditions – for example not causing any further ASB. Where a suspended possession order is in place, we will not hesitate to apply to the court for possession if the tenant continues to cause ASB.



### **Demoted Order**

- 2.21 A demotion order is a special form of possession order. To obtain a demotion order, the Council must convince a court that there has been nuisance or annoyance caused by tenants, residents or visitors to our property, or it has been used for an unlawful purpose AND the court thinks it reasonable to grant a demoted order.
- 2.22 If granted, the tenancy changes from a secure tenancy to a demoted tenancy for one year. That means that if there is ANY breach of tenancy during that time, we can decide ask a court for an eviction.

### **Support for Victims and Witnesses**

- 3.1 Victims and witnesses are essential to tackling ASB and finding an early and successful outcome. We understand that for victims and witnesses of ASB who are helping us gather evidence, this may be a very frightening and distressing time.
- 3.2 Each case is different and you will be treated on an individual basis. If needed or requested, we will provide an interpreter or contact other organisations to help people who have limited English or who have a hearing, sight or speech difficulty.
- 3.3 H&N will support our victims and witnesses throughout the duration of the case. We will take complaints seriously, deal with complaints as soon as possible and keep victims and witnesses informed.
- 3.4 H&N may, with permission, refer the case to the Safer Kirklees Victim and Witness Support Officer who offers a bespoke support package tailored to the individual's needs. We may also be able to offer target hardening measures to make people feel safer in their homes. This can be discussed with your Housing Officer.
- 3.5 Should H&N have to take legal action and our witnesses need to give evidence at court, there are a range of measures we can offer to ensure that people are supported and reassured throughout the case. This includes being accompanied to Court, being shown around the Courts prior to the case being heard and supported throughout the legal process.

### **When Do We Close a Case?**

- 4.1 When all actions possible have been taken to resolve a case, the decision may be taken, in conjunction with the complainant and all partners involved, that the case is to be closed.

- 4.2 A case may be closed when:
- It has been resolved successfully
  - There is no further action to take
  - There are no other remedies available to progress the case
  - The complainant or perpetrator has moved
  - The complainant does not wish to proceed with the case
  - We have insufficient evidence or information to proceed
  - We have successfully obtained a court order to control the unwanted behaviour
  - Complaints have ceased
- 4.3 If we have resolved a complaint or, after investigation, we cannot take the case any further, we will explain our reasons, give advice on what to do next and close the case. If the case has been dealt with by Safer Kirklees then customer satisfaction survey will then be sent to the complainant as we want to ensure that what we have done is as positive as possible for our tenants and residents

## **Reporting and Monitoring**

- 5.1 We monitor performance against the following indicators:
- A. Number of new cases opened
  - B. Number of cases successfully resolved
  - C. Average time taken to resolve cases
  - D. Number of cases closed unresolved
  - E. Number of cases by Kirklees district
  - F. Number of cases by type of ASB
- 5.2 Performance is reported quarterly to the Senior Leadership Team and the Homes and Neighbourhoods Improvement board, and includes:
- Identification of trends/issues/concerns

- Key areas of work that can be showcased to demonstrate the qualitative element of the approach

## **Training and Support**

- 6.1 A range of training is provided to officers throughout the year. This includes:
- Hate Crime awareness sessions
  - The use of Tools and Powers (see above for further details)
  - Recording cases correctly on H&N's Housing Management System
  - Dealing with Introductory Tenancies
  - Working groups convened looking at process reviews and good practice
  - Working with partners such as Safer Kirklees and West Yorkshire Police
- 6.2 Regular communications with Housing Officers take place to raise awareness of ASB. This includes the production of legal topic notes and team briefs. KNH's Senior Leadership Team receive a quarterly report on ASB.

## **Further Information**

### **Confidentiality**

- 7.1 KNH respect the rights of our tenants and residents to confidentiality and will always request their permission before sharing any information they give us with others. We do share information without consent only in exceptional circumstances where the authorities are in pursuit of a crime or in order to safeguard an adult or child at risk of significant harm.

### **Data Protection and Information Exchange**

- 7.2 We have an information sharing protocol with our partners. We will share appropriate and relevant information when dealing with cases of anti-social behaviour. All information exchanged is shared in line with the terms of the protocol and with Crime and Disorder Act and Data Protection Act legislation (as amended). This includes the General Data Protection Regulations (GDPR) effective from 25 May 2018.

## **Review**

### **Referenced Documents and Further Reading**

- Kirklees Communities Partnership Plan 2018-2021
- Kirklees Anti-Social Behaviour (ASB) Strategy 2018-20
- Regulator for Social Housing Consumer Standards – Neighbourhood and Community Standard

## 10 Appendix A

ASB POLICY AND PROCEDURES ACTION PLAN – 2019/2020			
ACTION	OWNER	TIMESCALES	OUTCOME (WHAT WILL BE DIFFERENT)
<b>Procedural document</b>			
Produce a Procedure document with an outcome based action plan.	General Manager - Partnerships	Q3	<ul style="list-style-type: none"> <li>• Clear procedures in place for the management of ASB</li> </ul>
<b>Reports</b>			
Quarterly report to SLT re: KPI's as part of Quarter Review	General Manager - Partnerships	In place	<ul style="list-style-type: none"> <li>• Robust process in place to monitor and manage performance</li> <li>• Trends/issues/concerns are strategically and jointly considered between H&amp;N and SK</li> <li>• Key areas of work are showcased raising awareness and understanding among key stakeholders including tenants and residents</li> </ul>
<b>Training</b>			
Train staff in KNH on any new Procedures	General Manager - Partnerships  Safer Kirklees	Q3/Q4	<ul style="list-style-type: none"> <li>• Consistent and proactive approach to managing ASB</li> <li>• Increased levels of customer satisfaction in dealing with ASB cases</li> <li>• Reductions the lengths of time cases are open ensuring more effective use of resources</li> </ul>