



ANTI-SOCIAL BEHAVIOUR POLICY HOUSING (LANDLORD SERVICE)

Consultation Document

Please note this version is for the public consultation, and is subject to change

- 1. Policy Statement**
- 2. Associated legislation and policy**
- 3. Definition of ASB**
- 4. Remit of the service**
- 5. Prioritisation and Risk**
- 6. Expectations of residents**
- 7. Action**
- 8. Partnership working and information sharing**
- 9. Reporting and feedback**
- 10. Service monitoring**

1. Policy Statement

1.1 Folkestone & Hythe District Council Housing Landlord Service (the Council) believes that all its tenants and leaseholders should be able to enjoy living in their homes and neighbourhood without fear of anti-social behaviour.

1.2 This policy outlines the commitment made by the Council to dealing with reports of anti-social behaviour and hate-related incidents in its homes and estates. The policy is based around our key principles which are:

- We adopt a 'harm centred approach' whereby our response to reports of anti-social behaviour (ASB) is based on the nature of the ASB but also on the impact it is having on the person reporting.

- We aim to make it easy to report anti-social behaviour and we have a variety of different communications methods for this. Once ASB has been reported we aim to make our processes and procedures clear.
- We will work proactively with other council services and other agencies where appropriate, at both an individual case level, and more broadly to share and learn best practice.
- Where a perpetrator of ASB is identified, our aim is to give them the opportunity to modify their behaviour through a range of advice, support, and enforcement tools.
- We work to empower residents to be part of the solution when dealing with ASB, believing that this can often result in more positive outcomes for all. Where reasonable to do so, we may ask residents to undertake certain actions, such as engage in mediation.

2. Associated Legislation and National Policy

- **The Charter for Social Housing Residents** (November 2020) states that social housing landlords will:
“Tackle anti-social behaviour by enabling tenants to know who is responsible for action and who can support and assist them if they are faced with anti-social behaviour.”
- **The Social Housing (Regulation) Act 2023** sets out what the government will do to make sure residents in social housing are safe, listened to, live in good quality homes, and have access to redress when things go wrong. In particular we will comply with the Neighbourhood and Community Standard, that sets out what is expected by the Regulator of Social Housing regarding anti-social behaviour and hate crimes.
- **The Home Office ‘Anti-Social Behaviour Principles’** act as a guide in seeking to deliver the best possible outcomes for victims of antisocial behaviour.
- **The Anti-Social Behaviour, Crime and Policing Act 2014** gives the current definition of anti-social behaviour and is the basis for most current law enforcement powers to tackle anti-social behaviour.
- **The Housing Act 1985** is the basis for most powers that relate specifically to council tenants and the landlord’s ability to take legal action and evict perpetrators of anti-social behaviour.

Local Policy & Procedure

This policy has been developed with reference to:

- F&HDC Tenancy Management Policy
- F&HDC ASB procedure
- F&HDC Tenancy Agreement(s)
- F&HDC Housing Customer of Concern Procedure
- Kent and Medway Information Sharing Agreement
- The Landlord Service Community Safety Policy
- F&HDC Safeguarding Policy

There are several other related policies currently under development including:

- Household Noise
- Hate Crime
- Domestic Abuse

3. Definition of Anti-social behaviour

3.1 The Council Housing (Landlord) Service adopts part C of the definition as set out in the Anti-Social Behaviour, Crime and Policing Act 2014 which reads:

(c) conduct capable of causing housing-related nuisance or annoyance to any person.

This statutory definition of ASB is broad, covering a wide spectrum of behaviours. Because of the subjective nature, and the fact that every person has different tolerances, perceptions and expectations in relation to appropriate conduct, we will also apply a 'reasonableness test' when determining whether a report meets the threshold to be considered ASB for the purpose of this policy.

3.2 We will make the decision on reasonableness by taking a harm centred approach that considers the circumstances of the report received, including (but not limited to) severity, impact, frequency, duration, when it is occurring, intent and the needs of all parties involved.

3.3 Because of this case specific approach, it is not possible to provide an exhaustive list of what is and what is not ASB. However, the following examples are behaviours that we are likely to consider as ASB:

- Deliberate and excessive noise such as TV or music at unreasonable times.
- Misuse of communal areas.
- Verbal abuse.
- Vandalism or damage to other people's property.

Physical harm or assault

3.4 The following examples are behaviours that we are unlikely to consider as ASB:

- Household maintenance (e.g., DIY repairs or gardening) occurring at reasonable times.
- Noise generated by reasonable living activities, including the use of domestic appliances and walking on laminate flooring.
- Cooking smells
- Young people playing at reasonable times.
- Inconsiderate parking.

3.5 Although not considered as anti-social behaviour, it is recognised that the types of activities included in 3.4 can affect people's enjoyment of their homes. Where considered appropriate and subject to test of reasonableness, we will aim to improve the situation by offering suggestions and/ or advice.

3.6 Noise

The Landlord service is currently (2024) developing a policy specifically around noise that is not considered to be anti-social behaviour. Once approved, this Noise Policy will be used alongside this Anti-Social Behaviour Policy.

3.7 Domestic Abuse

Domestic Abuse is sometimes reported by third parties (such as neighbours) as anti-social behaviour. Such reports will be investigated broadly in line with this Policy, but special care will be taken to ensure the protection of any potential victim of domestic abuse regardless of who has made the initial report.

We recognise that some forms of ASB such as noise can be an indicator of domestic abuse and we will be alert to these potential indicators and consider this in our investigations.

Where Domestic Abuse is reported by the victim themselves, a separate policy and procedure will apply.

3.8 Hate Crime

Hate Crime is a particularly severe and nasty extreme form of anti-social behaviour. The landlord service has a separate procedure that currently sits under the Community Safety Policy, that details our response to reports of hate crime. The principles are the same as in this policy and with particular emphasis on support for the victim.

3.9 Neighbour Disputes

We consider a neighbour dispute to be a situation where two or more parties, often living in proximity, are involved in an argument which has resulted due to differing views or opinions. When the situation is considered as a whole, there is no victim and no perpetrator, any breaches of tenancy are minor, and the issue/s in dispute may not be something that meets our definition of ASB.

We do not class these situations as ASB and will not consider them under this policy. To ensure that matters do not escalate, we may refer parties to mediation where it is available, provide advice and guidance, or make any necessary referrals, however, taking these actions will be done outside of this policy and with the objective of fostering good relationships.

The exception to this may be where the neighbour dispute is impacting on other neighbours/the wider community. In this instance, those directly involved in the dispute may both be considered to be causing harm, with the wider community being the victim of this harm. Action may, therefore, be taken against all parties involved in the dispute.

4. Scope of the service

4.1 This Policy covers any reported incidents of ASB caused by F&HDC tenants in permanent (i.e. not temporary accommodation) housing, or leaseholders, including their visitors and members of their household. This includes where the person reporting is not a council tenant, provided the anti-social behaviour reported is housing related.

4.2 If the alleged perpetrator of anti-social behaviour is not a council tenant or leaseholder, then our powers as landlord are very limited. We will offer advice and guidance where we are able. If the alleged perpetrator is the tenant of another social housing landlord, we will offer to cooperate with that landlord but they will be expected to take the lead under their own ASB policy (see 4.6 below).

4.3 Any anonymous reports will be considered and acted upon if there is enough information and/or evidence. Our powers are severely restricted however if there is no victim or witness who is willing to come forward.

4.4 Anonymity should not be confused with confidentiality, and all reports of ASB will be treated in confidence (although please see 8.4 below).

4.5 This policy will be used to guide our response to incidents of ASB directed towards council staff or its contractors working on behalf of the council.

4.6 Depending on the nature of the ASB or other circumstances, the Council Landlord Service may support other Council or non-Council agencies to lead on case

management and action. The Police, for example where there is a criminal investigation or prosecution, or the council Environmental Protection team in cases of environmental crime such as fly-tipping. In these situations, the lead agency's policy will take precedence.

5. Prioritisation and Risk

5.1 Prioritisation

5.1.1 All reports of anti-social behaviour will be categorised as either normal priority or high priority.

5.1.2 Using the harm-centred approach, the categorisation will be based on the impact the ASB is having on the victim or the wider community, rather than solely based on the type of incident.

5.1.3 The priority will determine the initial response target times as set out in the table below. Response times start from when the report is received by the case officer and are subject to the availability of the person reporting.

High Priority

Follow-up with the person reporting – following the initial report – to take full details of the incident.	1 working day
Initial Risk Assessment	1 working day
Initial action plan including making contact with any appropriate other agencies.	3 working days

Normal Priority

Follow-up with the person reporting – following the initial report – to take full details of the incident.	3 working days
Initial Risk Assessment	10 working days
Initial action plan including making contact with any appropriate other agencies.	10 working days

5.2 Initial Risk Assessment

5.2.1 An initial risk assessment will be carried out following all new reports of anti-social behaviour.

5.2.2 The initial risk assessment will be used to determine if either the person reporting, or the alleged perpetrator has any vulnerability, medical/health or support needs, or any other circumstances that may put them at particular risk.

5.2.3 The risk assessment will also ascertain if the ASB being reported is so severe as to determine if short-term or immediate actions are needed, (such as physical safety measures or injunction action) before the case has been fully investigated.

5.2.4 The risk assessment will be used to inform the initial action plan. Because of this case specific approach, it is not possible to provide an exhaustive list of what actions would arise from a high-risk assessment. However, the following are some examples:

- Physical safety measures or injunction action as mentioned above.
- Referral to specialist support agencies, or multi-agency meetings/panels.
- More frequent contacts than we would normally offer.

6. The Council's Expectations of Tenants or Leaseholders

6.1 All tenants and leaseholders are expected to abide by the terms of their tenancy or lease agreement. All our tenancy agreements and lease agreements contain clauses around noise and anti-social behaviour.

6.2 F&HDC believes that everyone has the right to their chosen lifestyle providing this does not adversely affect the quality of life of others. This necessitates a degree of tolerance of, and respect for, the requirements and needs of other people and we will promote this to tenants and leaseholders when responding to their concerns.

6.3 The successful investigation and remedy of reports of ASB relies on the cooperation of the person reporting. In particular we will expect anyone reporting anti-social behaviour to:

- Give honest, accurate and precise information around the dates, times and details of incidents reported. Where appropriate we will issue diary sheets to assist with this.
- Not retaliate or do anything that may worsen the situation or provoke further acts of anti-social behaviour.
- Cooperate with requests for further information in a timely manner.
- Where a report is of a low-level issue, such as occasional or general household noise, we may expect the person reporting to have attempted to resolve the matter themselves before we will agree to intervene.

7. Action

7.1 In most instances, anti-social behaviour action can be taken on the civil action test of 'balance of probabilities' rather than the higher test of 'beyond reasonable doubt' that is required in criminal prosecutions.

7.2 Any action, but particularly enforcement action, can only be taken where the evidence available is to the necessary standard.

7.3 When deciding on an appropriate course of action the whole situation will be taken into account including:

- The impact on the person reporting, or on the wider community
- The type of behaviour
- The frequency of the behaviour
- Any previous history of similar ASB by the perpetrator
- The quality of the evidence
- The cooperation, or non-cooperation, of the perpetrator
- Any previous actions taken.

7.4 Action will be taken in accordance with the detailed ASB procedure, and all relevant staff will be trained in this procedure.

7.5 We will consider the use of all available non-legal remedies such as informal warnings or advice, meetings, the promotion of mediation where it is available, acceptable behaviour agreements/contracts.

7.6 We will consider the use of all available legal tools and powers where appropriate including possession action, closure orders, injunction action, Community Protection Notices.

7.7 Enforcement action will not necessarily be incremental, and any available tool or remedy may be considered at any stage in an ASB process, depending on the circumstances.

7.8 If we are considering legal action, we will always carry out an assessment of the proportionality of the proposed action, and a vulnerability and equality assessment. This is to ensure we are acting fairly and not in a discriminatory way.

7.9 We aim to prevent ASB from occurring in the first place and do this by, for example:

- Reviewing all nominations that are made through the allocations system and, if there is a history of ASB, we may refuse applications where the Allocations Policy or the Housing Ineligibility for an Allocation Procedure allows for this.
- Informing new tenants of our expectations and the terms of the tenancy agreement, as part of the sign-up process.
- Refusing applications for a mutual exchange if possession proceedings have been started or a Notice of Seeking Possession is in force.

- In some locations we may consider working with residents to develop good neighbour agreements or other positive ideas to promote good behaviour.
- Where the design of new housing or estate improvements is within our control we will aim to 'design out' the opportunities for anti-social behaviour.

8. Partnership working and information sharing

8.1 We will work in partnership with other agencies both external and internal, including:

- The Council Community Safety Unit.
- Kent Police.
- The District MARAC (multi-agency risk assessment conference).
- The District Vulnerability Panel.

8.2 We may involve partner organisations that specialise in areas such as domestic abuse or hate crime. In these cases, we will continue to provide help and support to both victims and witnesses by remaining in regular contact with them, and signpost to specialist organisations where this is appropriate.

8.3 We will actively participate in partnership forums with the aim of sharing good practice and tackling ASB in the district and nationally.

8.4 We are signatories to the Kent Information Sharing Protocol, and we will share personal information where it is appropriate or necessary to do so for the prevention or investigation of ASB.

8.5 Any personal data we hold about individuals will be stored securely using password protected systems and will be held in line with the Council's privacy policy.

8.6 All reports of ASB will be held in confidence. There may be occasions when we cannot guarantee confidentiality – for example where a crime has been committed that needs to be reported to the Police, or if there are safeguarding concerns.

9. Reporting and feedback

9.1 We aim to make it easy for people to report anti-social behaviour. We can accept reports via the council website, email, telephone, by post or in person, or for tenants via Housing Online.

9.2 We will record and monitor each ASB case and keep the person reporting advised of progress made. Once a case has been closed or resolved, we will write to the initial reporter informing them of our decision and the reasons for it.

9.3 All ASB cases will be recorded centrally on a data management system and be supervised by a Housing Team Leader to ensure effective case management. Data will be provided for performance monitoring purposes and to provide insight into working patterns and trends.

9.4 In addition, periodic audits of ASB case management and data will be undertaken internally through the East Kent Audit Partnership. Data will also be made available for scrutiny by tenants, as directed through the Council's Strategic Tenants Advisory Panel.

9.5 We welcome feedback as part of our commitment to continuous improvement. Feedback may be received and considered at any time, and we will also seek feedback more widely as part of the Tenant Satisfaction Measures surveying that we do. Those reporting ASB may be contacted to complete a brief survey about their satisfaction with the handling of their ASB case.

9.6 If a reporter of anti-social behaviour, or the alleged perpetrator, is dissatisfied with the way the council has acted in response to a report of anti-social behaviour they are encouraged to raise the matter informally in the first instance, or to use the formal complaints procedure if they remain dissatisfied.

9.7 Residents also have access to the anti-social behaviour case review, formerly known as the 'community trigger', which gives victims of persistent ASB that has been reported to any of the main responsible agencies, (such as the council, police, housing provider), the right to request a multi-agency case review where a local threshold as defined by the F&HDC Community Safety Team is met.

9.8 Unreasonable or vexatious reports.

Whilst we wish to encourage reports of ASB, there are times where this reporting can be inappropriate. This may be where:

- The report is malicious, false or exaggerated.
- The reports relate to matters that we have already made a decision on and there is no new information.
- The reporting is so persistent that it is having an unreasonable impact on our time and resources.

We will seek to understand the reason for these types of reporting, for example, does the contact arise from an unmet support need, have we missed opportunity to intervene or made an incorrect decision, but we reserve the right to refuse to act on such reports, and to take action to manage the inappropriate reporting.

10. Key controls and reporting

- 10.1 We will record and report on the number of ASB cases opened and closed, and the length of time taken to resolve cases. In addition, information on types of ASB incidents will be kept and may be shared with officers and our engaged tenants to aid effective management of ASB.
- 10.2 Statistical data on numbers of cases and satisfaction levels will be reported to Housing Managers and the Council's Corporate Leadership Team, as part of the Council's performance management arrangements.
- 10.3 The Council will monitor our ASB performance and where benchmarking services exist, will benchmark our performance against similar organisations.

11. Equality and Diversity

11.1 As mentioned at 6.2 above F&HDC believes that everyone has the right to their chosen lifestyle providing this does not adversely affect the quality of life of others. This necessitates a degree of tolerance of and respect for, the requirements and needs of other people and we will promote this to tenants and leaseholders in our Tenants' Charter and via other methods of communication.

11.2 The council recognises that some reports of ASB may be vexatious or based on intolerance or prejudice. This aspect will be considered as part of the initial assessment of all reports of ASB.

11.3 All relevant staff receive training in equality and diversity issues.

11.4 We aim to make it as easy as possible to report ASB and we do not require reports to be in writing. Where written information is required, we will assist with this

where necessary. This includes the provision of translation or interpreting services, or other formats at no cost to the person reporting, or to the alleged perpetrator.

11.5 The council will take all practical steps to safeguard and protect tenants that are considered vulnerable because of age, physical or mental illness, physical or learning disabilities or other protected characteristics.

11.6 If we are considering legal action, we will always carry out an assessment of the proportionality of the proposed action, and a vulnerability and equality assessment. This is to ensure we are acting fairly and not in a discriminatory way.

12 Responsibility

12.1 The Director of Housing & Operations retains the overall responsibility for the implementation of this policy.

12.2 The Chief Officer (Housing), is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.