

CORNWALL HOUSING

Anti-Social Behaviour Policy Statement

Cornwall Housing
Treven Kernow

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Notes

This policy was originally developed and agreed with tenants from all areas through the Cornwall Consultation Panel.

Legal influences on this strategy

Housing Act 1985, 1988, 1996, 2004
 Crime and Disorder Act 1998
 Anti-Social Behaviour Act 2003
 Family Law Act 1996
 Domestic Violence, Crime and Victims Act 2004
 Domestic Abuse Act 2021
 Equality Act 2010
 Disability Discrimination Act, 1995
 Human Rights Act 1998
 Race Relations Act 1976, 2000
 Children's Act, 1989
 GDPR and Data Protection Act, 1998, 2018
 Local Government Act, 1972, 2000
 Regulation of Investigatory Powers Act, 2000
 Anti-Social Behaviour, Crime and Policing Act 2014

Cornwall Housing Limited reserves the right to use any subsequent amendments to these acts and any other legislation introduced that relates to Anti-Social Behaviour, Abuse or Hate Crime.

Other documents linked to this strategy

Enforcing Conditions of Tenancy Policy
 Drugs Misuse Policy
 Harassment and Hate Crime Policy
 Domestic Abuse and Sexual Violence Procedure
 Anti-Social Behaviour Policies and Procedures customer leaflet
 Tenancy Agreements
 Conditions of Tenancies
 Equality and Diversity Inclusion Policy
 Tenants' Handbook
 Safeguarding Children, Adults and Vulnerable Adults Policy
 Tenant Participation Policy / Tenant Engagement Strategy
 Homechoice (Allocations) Policy
 Gypsy and Traveller Pitch Agreement
 Tenancy Fraud Policy

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1.0 Introduction

Cornwall Housing Limited (CHL) and Cornwall Council are committed to making the estates and properties that we manage and own safer places to live, which are free from serious nuisance and anti-social behaviour (ASB). We want to work closely with local tenants, leaseholders and other residents in order to create safe communities where people want to live.

Our estate management approach includes policies on ASB, Enforcing Conditions of Tenancy, Drugs Misuse and Harassment and Hate Crime. We also have a separate policy on Domestic Abuse.

These policies distinguish between simple breaches of tenancy and how we remedy them, and more serious cases of nuisance and ASB. This statement and our policies complement the Safer Cornwall Partnership Plan and Cornwall Council's Strategy to Create a Sustainable Community.

In order to combat ASB, we work with lots of other agencies. These include the Police, Adult Social Care and Support, Probation Services, Education Welfare, Youth Offending Team and the Cornwall Mental Health Team.

We will ensure that no individual is discriminated against on grounds of the protected characteristics of the Equality Act 2020 which include sex and gender, marital status and civil partnership, race, disability, age, sexual orientation, language, social origin, pregnancy and maternity or other personal attributes including beliefs or opinions (e.g. religious beliefs or political opinions). We will promote equality of opportunity by publishing information in different languages or formats such as large print, audio or Braille, on request.

2.0 Anti-social behaviour

ASB is a continuing issue and takes many forms, with a broad spectrum ranging from relatively low-level noise nuisance right through to drug dealing and serious violence. It is an issue which cannot be solely attributed to young men as it is perpetrated by both sexes, as well as children and adults of all ages. Examples of ASB include:

- Excessive noise (for example, loud parties, shouting, noise from T.V. or hi-fi equipment, burglar or car alarms)
- Domestic abuse
- Intimidation or harassment
- Abusive and threatening language or behaviour

- Actual violence against people and property
- Racial harassment or minority group harassment (e.g. harassment due to a person's sexual orientation, mental health, religion or disability)
- Sexual harassment
- Dealing or supplying drugs, or use of premises for other unlawful purposes
- Criminal damage or vandalism
- Alcohol or solvent abuse

The above list is not exhaustive, but covers most of the main areas of ASB that we would become involved in tackling on the estates and properties that we manage or own, and the surrounding neighbourhoods.

Some of these issues, including noise from private properties, littering, dog fouling, fly tipping, abandoned vehicles or dangerous dogs, should be reported to Environmental Health at Cornwall Council (contact telephone 0300 1234 212) with whom we work closely. However, wherever they occur on an estate or at properties managed or owned by CHL, such issues can be reported to us and we will pass issues on.

3.0 A balanced approach

Tackling ASB is not necessarily about immediately going to Court when there is a problem. Legal action is only one aspect of tackling ASB, and should really be the last resort. Tackling ASB effectively requires a broader and more proactive approach, which is in line with the standards set out in the Respect Charter for Housing.

Preventative steps include:-

- Eligibility and allocation
- Introductory tenancies
- Security improvements
- Good estate management
- Clear Conditions of Tenancy
- Community cohesion initiatives
- Partnership working – identifying hotspots
- Diversionary activities for young people
- Parenting courses

Support for victims is also provided through:-

- Early intervention and identifying support for the perpetrator if required
- One-to-one visits to perpetrator

- Warning letters
- Mediation
- Restorative Justice
- Acceptable Behaviour Contracts
- Parenting Contracts
- Final Warning Contracts

Legal actions which may be taken include:-

- Service of Notices
- Possession proceedings
- Variance of Possession Orders
- Civil Injunctions
- Tenancy Demotion
- Criminal Behaviour Orders
- Parenting Orders
- Closure of Nuisance Premises
- Closures Orders

The Government has acknowledged that 75% of all ASB is resolved via preventative and early intervention methods. Therefore, to assist with combating the issue of ASB, CHL has a dedicated Neighbourhood Enforcement Team.

The Neighbourhood Enforcement team is made up of specifically trained officers who deal with serious incidents of ASB, including drugs and alcohol misuse, noise nuisance, racial harassment, minority group harassment/hate crime and domestic abuse. They also work with many other organizations and agencies in an attempt to reduce crime and disorder, tenancy fraud and to sustain communities. This is achieved through partnership working by ensuring there is early intervention in ASB incidents to reduce community impact. Their work supports tenants' priorities and also supports the strategic aims of Cornwall Council.

In all incidents of ASB, our response will be proportionate to the incident in question. Serious incidents will require strong action and may involve a multi-agency response and possible legal action. More minor incidents are likely to be dealt with by CHL's housing management staff and may involve written or verbal warnings to perpetrators.

4.0 Understanding the wider context

As a consequence of the range of behaviour types which fall within the broad definitions of ASB, there is also an array of factors which must be considered when dealing with all ASB cases.

Examples of such factors include, but are not limited to:

- Mental health problems
- Age of perpetrators
- Ages of victims and/or witnesses
- Disability and/or of perpetrators, victims or witnesses
- Perpetrator's personal circumstances
- Wider family make-up and the implications of personal circumstances
- Human Rights Act 1998
- Equality Act 2010 (Disability related discrimination)
- Mental Capacity (both Litigation Capacity and Injunction Capacity)
- Specific circumstances and history of the problems
- Impact on landlord's housing management functions
- Impact on (and risk to) the victims, witnesses and any other residents, or persons living (or engaging in a lawful activity) in the locality of the property.

5.0 Strategic context and legal overview

CHL deals with breaches of Conditions of Tenancy and incidents of ASB in a legal context under the Housing Act 1985, as amended by the Housing Act 1996, the Housing Act 1988, as well as the Crime and Disorder Act 1998, Anti-Social Behaviour Act 2003 and the Anti-Social Behaviour Crime and Policing Act 2014.

CHL reserves the right to use any subsequent amendments to these acts and any other legislation introduced that relates to ASB.

In addition to these Acts, we must also comply with the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, the Children's Act 1989, the Disability Discrimination Act 1995, the Equality Act 2010, the Data Protection Act 1998, the Human Rights Act 1998 and the Local Government Act 1972.

CHL is also governed by Cornwall Council's Strategy to create a sustainable Cornwall, Housing Strategy and has due regard to their Homelessness Strategy. Our policies and procedures on estate management complement these strategies. CHL supports the policy areas by creating sustainable and vibrant communities, where our work has a direct impact on ensuring that the estates managed or owned by CHL are safe, and that victims of anti-social behaviour are protected and supported.

We have an extremely positive impact on ASB through our work both with tenants

and residents' groups, together with our work to reduce ASB on the estates and properties we manage and own. We are also a major player in implementing the key ingredients deemed necessary to create a mixed and sustainable community, namely by:

Provision of high quality local housing management: Interventions to promote and maintain a positive reputation, including community safety measures and robust ASB policies.

CHL also participates in ASB Target Group meetings, and makes a commitment to be involved in making Cornwall safer together.

6.0 Standards of behaviour

We believe that everyone has the right to quiet enjoyment of their home, and expect all of our tenants and leaseholders to respect the rights of their neighbours. However, we also expect all sections of the communities we serve to be tolerant and to respect the diverse nature of those communities. We expect all of our tenants to abide by their Conditions of Tenancy and all residents to act within the law and not commit acts of ASB. The two main statutory definitions of anti-social behaviour in use are:

Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself – Section 1 Crime and Disorder Act, 1998

Engaging or threatening to engage in conduct causing or capable of causing nuisance or annoyance – Section 153a, Housing Act, 1996.

Tenants, their families and visitors must not harass other people. By harassment we mean anything that involves threats of actual violence or intimidation. It can be racist behaviour or language, using or threatening to use violence, using abusive or insulting words or behaviour, damaging or threatening to damage another person's home or possessions, writing threatening/abusive or insulting graffiti or doing anything that interferes with the peace, comfort or convenience of other people. Tenants, their family and visitors must not cause nuisance to others. By nuisance we mean disruption to the lives of the neighbouring community, even if only one other person is affected

7.0 Specified policies

We have comprehensive estate management policies, and Conditions of Tenancies. The policies cover the specific following areas:

- ASB and Nuisance
- Enforcing Conditions of Tenancy
- Drugs Misuse
- Harassment and Hate Crime
- Domestic Abuse

Within these policies are specific measures that we will take to support and protect the victims and witnesses of ASB and our use of professional agencies to witness events. This also applies to victims and witnesses in cases of racial and minority group harassment.

8.0 Victim and witness support

We endeavour to support the victim or witness throughout any harassment or nuisance case. We use the power of the courts and seek support from the police and other agencies where necessary. This will be with a view that they can remain in their own home. However, where there is a genuine and high risk to the safety of the complainant or victim by remaining in their home, we will consider either a temporary or a permanent move. The focus will always be directed at ending the ASB, but other measures that we may be able to access include:

- Additional security
- Use of the Noise app
- Use of security patrols
- Use of professional agencies to witness events subject to Regulation of Investigatory Powers Act 2000 (RIPA) approval
- Provision of mobile phones to victims
- Use of personal alarms
- Use of surveillance and/or sound monitoring equipment to record evidence, subject to RIPA approval where the recording is covert. For the avoidance of any doubt, RIPA approval is not necessary where the recording is overt. Therefore the perpetrator should always be advised that recording equipment is being installed prior to its use.

Witness Support

Successful legal action against perpetrators is always difficult and we recognise the support and assistance tenants or witnesses may need to attend court.

We will help witnesses attend court by offering:

- Reimbursement of costs for child care facilities
- Loss of earnings for witnesses (other than the complainants)
- Free transport to court

We will help prepare all witnesses by giving advice on what will happen in court and will endeavour to answer concerns and questions. In cases of domestic abuse, the victim can also be provided with a 'Lifeline' monitored alarm or a personal alarm, and they can be put in touch with an independent domestic violence advocate as well as the crime prevention officer if sanctuary is required. In addition to this, our Neighbourhood Enforcement Team has officers specifically trained to work with the victims of domestic abuse, to deal with housing issues and work with other agencies to access any other appropriate support.

9.0 Prevention of anti-social behaviour

We are constantly working hard, in co-operation with other agencies, to prevent incidents of ASB from occurring. In addition to managing day-to-day issues around ASB, our Neighbourhood Enforcement Team can facilitate mediation for our tenants. This can avoid any escalation of neighbour nuisance and in many cases resolves the dispute and stops any further conflict.

Historically our Neighbourhood Enforcement Team has facilitated and funded various youth diversionary schemes. A positive effect of these activities was a reduction of incidents of ASB on the local estates. It is extremely gratifying that this good work is still being delivered by our partners who are continuing with this work, providing activities such as football coaching for boys and girls on their estates.

CHL continually evaluates the opportunities to carry out such projects. This will be based on the resources that are available at the time.

10.0 Rehabilitation of perpetrators

We support the rehabilitation of the perpetrators of ASB. Perpetrators who are alcohol or drug abusers will be encouraged to seek support and help from ADDACTION Cornwall, which offers a free and confidential advice, information and support service to individuals with drug and alcohol problems, or we may encourage abusers to access other statutory or voluntary services that are able to help. A perpetrator's involvement with these agencies, to deal with their addiction and rehabilitation, will be taken into consideration when appraising legal action against that person's tenancy.

Where acts of anti-social behaviour are committed by individuals with mental health issues, learning disabilities or other disabilities, we will work closely with Adult Care and Support, Mental Health Teams and Health Services in order to support those vulnerable clients. Where appropriate, we will make a safeguarding alert.

For all of the above vulnerable groups, legal action will not be taken without consultation with the relevant agencies, including the Police unless there are extenuating circumstances. All proposed legal action will face reasonableness reviews, and will also consider issues around an individual's human rights. A disability discrimination assessment which considers capacity will also be carried out where appropriate.

11.0 Working with other agencies

We work closely with many other agencies in order to resolve cases of nuisance and ASB. Within Cornwall Council, we work closely with Environmental Health, which deals with noise nuisance in private properties, as well as litter, fly-tipping, dog fouling, abandoned vehicles and a range of other matters. We are members of the Safer Cornwall Partnership, and fully support partnership working, which is an important aspect of our involvement with Cornwall Council's Adult Care and Support and Children's Services.

External organisations that we work with closely include the Police, Mental Health Services, Probation Service, Youth Offending Team, and other Registered Providers of social housing.

The majority of the above agencies send representatives to a regular, multi-agency ASB Target Group, which is chaired by the Anti-social Behaviour Co-ordinator from the Community Safety Team. At these meetings, general issues of ASB are discussed as well as hotspots, new legislation and new initiatives. Also at the meetings, specific cases are discussed, but only with the agencies which have an interest in those cases.

12.0 GDPR and information exchange

Alongside other Registered Providers, we are signed up to an Information Exchange Protocol with the police. Where incidents of ASB occur which have had police involvement, we can ask the police to inform us of any convictions or positive police actions that have resulted from such incidents.

The Data Protection Act 1998 allows for data to be exchanged between agencies without the express permission of the subject where the disclosure is required by law or made in connection with legal proceedings. Section 35 of the Act states:

Personal data are exempt from the non-disclosure provisions where the disclosure is required by or under any enactment, by any rule of law or by the order of a Court.

Personal data are exempt from the non-disclosure provisions where the disclosure is necessary:

- for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings); or
- for the purpose of obtaining legal advice; or
- is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

The Act lists eight data protection principles, which provide that personal data should be:

- fairly and lawfully processed;
- used for specified and lawful purposes;
- adequate, relevant and not excessive for those purposes;
- accurate;
- kept for not longer than is necessary;
- processed in accordance with the individual's rights;
- kept securely; and not transferred to countries which do not have adequate data protection legislation/protection in place.

13.0 Sharing information with tenants and the wider community

Where CHL and/or the police have been successful in securing Criminal Behaviour Orders or Civil Injunctions, or where we or the police have secured a 'Closure Order' on a property managed or owned by us, we will inform the local media for information to be disseminated through the local press. The immediate neighbours, victims and other witnesses in the specific case in question will also be informed separately by us at the earliest opportunity.

The immediate neighbours, victims and witnesses will usually be informed where other types of injunctions are secured or where certain types of Abatement Notices (for example, for noise nuisance) are served. We will use our discretion when informing immediate neighbours, victims and witnesses where other legal remedies are used, such as the serving of Notices to Seek Possession or the securing of Demoted Tenancy Orders.

14.0 Confidentiality

It is our policy not to disclose the identity of victims and witnesses of ASB acts to the perpetrators of such acts. Nor would we disclose the identity of victims and witnesses to the legal representatives of the perpetrators, until such time as we may be required to do so in connection with legal proceedings.

15.0 Cross tenure issues

We will work with other agencies to combat ASB, including other Registered Providers of social housing. Most of our estates are mixed-tenure estates. As well as CHL tenants, there are tenants of other social landlords, private rented tenants and owner-occupiers. We have a duty to protect our tenants from acts of ASB from others, and likewise, have a duty to protect others from acts of ASB perpetrated by our tenants, their families or visitors.

16.0 Protection of staff

We will not tolerate acts of aggression, harassment or abuse against our own staff, Cornwall Council staff or representatives of any other agencies. We will actively pursue relevant legal remedies against any person who commits acts of aggression, harassment or abuse to staff who are going about their lawful business.

17.0 Staff training

We ensure appropriate housing management staff receive training in all aspects of nuisance and anti-social behaviour, including legal remedies and updates on relevant legislation. Neighbourhood Enforcement Officers will receive more intensive training, including training on mediation skills, evidence gathering, witness support and dealing with domestic abuse issues.

Appropriate staff also receive training on racial and minority harassment, drug misuse and domestic abuse awareness. Some of the training undertaken is carried out in conjunction with our multi-agency partners.

18.0 Any other relevant training

Equal and Diversity Framework

Corserv has an Equality and Diversity inclusion policy in common with Cornwall Council. We aim to carry out, all work undertaken to combat ASB within the Framework provisions. We are committed to providing information and services equally and without discrimination, so that they meet the needs of all sections of the community.

Tenant Participation

CHL have a Tenant Participation Policy and Resident Engagement Strategy. We work with tenants and other residents to build and develop communities. We also work with other agencies, such as the police, community projects, voluntary organisations, town and parish councils and others who are working on community development and community regeneration within Cornwall. All these initiatives help to build sustainable communities that are free from ASB.

Allocations Policy

Cornwall Council's Homechoice (Allocations) Policy places restrictions on access to social housing for persons who have been guilty of causing serious nuisance and/or ASB in the past.

19.0 Monitoring and review

ASB is an area which is routinely monitored by the Neighbourhood Enforcement Team, as well as being reported on through our established performance monitoring system.

This statement will be reviewed on a 2 year basis or as appropriate to consider legislative changes or service delivery changes.

Alternative formats

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If you would like this information on audio CD, audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact:

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