

**ANTI-SOCIAL BEHAVIOUR
POLICY**



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1. INTRODUCTION AND CONTEXT

Cornwall Housing Ltd (CHL) is committed to working in partnership with Cornwall Council, the police and other relevant organisations to deter and tackle anti-social behaviour (ASB), create safer neighbourhoods for our residents and support the communities where they live.

This policy sets out how CHL deal with reports of ASB, our support for those reporting incidents and the action CHL may take against those causing ASB. Our response applies to CHL's residents, other persons causing a nuisance in neighbourhoods where CHL own properties and visitors to our neighbourhoods where this impacts our communities and the residents which live there. It also includes ASB directed towards CHL's colleagues and representatives such as contractors.

Where individuals access services within the ASB Policy, CHL will ensure that they are not 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). CHL will promote equality of opportunity by publishing information in different languages or formats such as large print, audio or Braille, on request.

CHL have supporting policies which distinguish between breaches of tenancy, complaints about our service and cases of nuisance and ASB. These include policies for Harassment and Hate Crime, Domestic Abuse and Sexual Violence and our Complaints and Customer Feedback Policy. This content also complements the Safer Cornwall Partnership Plan and Cornwall Council's Strategy to Create a Sustainable Community.

CHL are governed by the Regulator of Social Housing. The approach to managing ASB supports the requirements launched by the Regulator of Social on 29 February 2024, with the new Neighbourhood and Community Standard from 1 April 2024. The Respect Charter for Housing, published through the Social Housing White Paper 2023, states that CHL 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. Cornwall Housing has specifically trained housing management teams and a dedicated Neighbourhood Enforcement Team to support on more complex cases to provide this service.

2. DEFINITION OF ANTI-SOCIAL BEHAVIOUR

Anti-Social Behaviour is behaviour which has caused, or can cause, harassment, distress, or alarm to any person in their home or in the neighbourhood or community where they live.

The Anti-Social Behaviour, Crime and Policing Act 2014 also gives specific definitions of ASB in housing as:

- Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing-related nuisance or annoyance to any person.

- Examples include:
 - Playing loud music, radios and televisions
 - Shouting, arguing, swearing and slamming doors
 - Excessively barking dogs
 - Allowing animals to foul shared areas
 - Using noisy machinery
 - Being drunk and disorderly in the neighbourhood
 - Selling drugs, or drug and alcohol abuse
 - Dumping rubbish
 - Driving, riding or using vehicles (including bikes, motorcycles, quad bikes, and mini-motos) dangerously or inconsiderately or on paths or within pedestrian areas
 - Displaying offensive or obscene messages or posters
 - Causing graffiti or damaging property
 - Interfering with or damaging security or safety equipment in any property

- Some behaviour, even though it may cause nuisance to individuals, may not be regarded as ASB
 - One-off parties and barbecues
 - Infrequent and occasional noise or disturbances
 - Gossip
 - Minor personal differences such as dirty looks or fall outs

- between children
- Babies crying
- Smells from cooking
- Sounds of normal day to day living that CHL can hear such as closing of doors, going up and down stairs
- Putting rubbish out on the wrong day
- Parking in the wrong bay or lawfully parking outside a property / on a street
- Minor vehicle repairs

*These lists are not exhaustive

3. YOUR FIRST STEPS WHEN FACED WITH NUISANCE OR DISTURBANCE

If tenants are made to feel uncomfortable or inconvenienced by other people's behaviour around their home, where it is safe to do so, they should first try to approach the other party involved to explain to them how their actions are affecting them and ask them to change their behaviour. Sometimes, other people may not be aware that their behaviour is causing distress or nuisance and letting them know may help.

If tenants feel threatened, intimidated, or witness a crime, they should always contact police first. This can be done by contacting the police by calling 999 to report emergencies or by calling 101 for non-emergencies.

Useful advice about how to deal with a problem neighbour can be found at the Citizens Advice Centre or ASB Help.

4. REPORTING ANTI-SOCIAL BEHAVIOUR

To support residents in our communities and to tackle ASB:

When you report ASB to us, CHL will:

- Make it easy and safe to report incidents and acknowledge your report within 5 working days. CHL will aim to respond within 24 hours where CHL consider there is a significant risk of harm.
- Communicate clearly with you to explain our approach, so you know what to expect from us and what CHL expect from you.

- Use a victim risk matrix to assess the risk and the level of harm the ASB, hate crime or incidents is having on you, including understanding any support needs or vulnerabilities you may have as part of prioritising cases.
- Consider the needs of each household member for all households involved. This also includes the household of the complainant and the alleged perpetrator. CHL may then make referrals to appropriate support agencies as required.

During the case of ASB, CHL will:

- Keep you proactively informed about our response. A named member of staff will provide updates at agreed intervals about the action being taken, including the next steps to deal with the ASB.
- Aim to resolve cases promptly using the full range of methods and legal powers available to us. This means taking reasonable, timely and proportionate action appropriate to the harm caused, the severity, impact and the frequency of the ASB based on the evidence available. This may include a referral to mediation services.
- Work with those reporting ASB and the other parties involved to agree a plan to tackle the ASB. This may be preventative, non-legal, or legal. Sometimes only a single action may be taken, and sometimes number of actions and/or other measures may be taken. It will set out the actions the person and CHL will take to address the ASB.

When considering our response, CHL will:

- Comply with legal, regulatory and contractual requirements in order to prevent and tackle anti-social behaviour, hate crime and hate incidents.
- Take proportionate and timely action to deal with the ASB. This will be proportionate to the evidence and action already taken. The use of non-legal solutions include:
 - Advising people their behaviour is unacceptable and must stop
 - Issuing direct warnings
 - Acceptable behaviour agreements

- In most cases, legal action is not required but CHL will take legal action if it is appropriate. Using legal remedies such as:
 - Civil injunctions
 - Possession proceedings

- Complete reasonableness reviews where legal action is considered against a vulnerable person, including consultation with relevant agencies and issues around an individual's human rights. A disability discrimination assessment which considers capacity will be carried out where appropriate.

- Take a victim-centred approach, using the power of the courts and seeking support from the police and other agencies where necessary to protect those at risk from harm. This may also include:
 - Use of technology such as the Noise App or use of surveillance and monitoring equipment.
 - Providing mobile phones or personal alarms, including for sanctuary cases a 'Lifeline' monitored alarm with support from an independent domestic violence advocate or crime prevention officer.

- Provide appropriate support to witnesses, including referrals to support services and help to witnesses attending court by offering:
 - Advice on what will happen in court and answering concerns and questions
 - Reimbursement of costs for childcare facilities
 - Loss of earnings for witnesses (other than the complainants)
 - Free transport to court

- Support the rehabilitation of perpetrators with drug or alcohol problems, working with statutory agencies or voluntary providers such as CHL are with You Cornwall to offer free and confidential advice, information and help to individuals.

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

- Consider ASB in reviewing and determining whether to offer tenancies.

When closing an ASB case CHL will:

- Consider the evidence on whether the behaviour has improved to an acceptable level
- Review whether there is further reasonable action that CHL can take to resolve the issue
- Support the customer reporting the ASB if they request the closure
- Seek to discuss our intention to close the case with the customer reporting the incidents before closure.
- Only re-open the case if it is appropriate to do so.

5. EXPECTATIONS OF OTHERS

It is important that neighbours understand and tolerate the different lifestyle of others, so long as their lifestyle is reasonable. People have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made against them. To support residents in our communities and to tackle ASB CHL expect:

- Residents, members of their household and visitors to be considerate, tolerant and understanding of others and behave reasonably, in accordance with the responsibilities set out in the tenancy and lease agreements, act within the law and not commit ASB.
- Members of the communities CHL serve to be tolerant, not cause nuisance and to respect the diverse nature of those communities.
- Tenants, their families and visitors to not harass other people, including racist behaviour, inappropriate language, threats or intimidation, damage to property or actual violence which interfere with the peace, comfort or convenience of other people.

- Encourage customers to resolve their own matters with their neighbours where it is safe and appropriate do so, while being clear about the circumstances in which CHL may take action and how CHL will proceed where that is the case.
- For serious ASB, for instance where there is actual or an immediate risk of harm, that direct reports are made to the police by dialling 999. CHL will encourage people to report criminal acts to the police.
- Report of noise from private properties, littering, dog fouling, fly-tipping, abandoned vehicles or dangerous dogs, to also be reported to Environmental Protection at Cornwall Council (0300 1234 212). Where incidents occur in our neighbourhoods and communities at homes not owned or managed by CHL, CHL will work with partners to address reports of ASB’.

6. PREVENTION

Legal action is only one aspect of tackling ASB, and good practice recommends a broader and more proactive approach. The Government has acknowledged that 75% of all ASB is resolved via preventative and early intervention methods. This includes:

- Having effective designs for new developments and making reasonable improvements to existing developments where design is an identifiable factor, working, where possible, to the “Secure By Design” standard
- Conduct regular inspections of the estates CHL manage and promptly report repairs that compromise the security of a building
- Carry out sensitive lettings where CHL recognise a vulnerable resident may be at risk if moving into a particular property or area. CHL may also consider excluding an applicant from housing if there is strong evidence to suggest that they will cause ASB
- Explain to new residents what ASB is when they sign their tenancy.

- Publicising successful cases to ensure the wider community is aware of our commitment to tackling ASB
- CHL will identify ‘hot spots’ on our estates, through our data and with our partners so that where possible early preventive action can take place

CHL will work in partnership with other agencies such as the Police, Cornwall Council’s Community Safety teams, Adult Social Care and Support, NHS, Probation Services, Education welfare, Youth Offending Teams and the Cornwall Mental Health Team to prevent and tackle anti-social behaviour, hate crime and hate incidents.

Where responsibility for investigating an incident lies with another agency, such as the police or local authority, CHL will provide that agency with appropriate support. This includes providing relevant information to help them resolve the matter.

7. UNREASONABLE CUSTOMER BEHAVIOUR

While complaints are always to be welcomed, some customer behaviour may be considered unreasonable, and this takes up a disproportionate amount of CHL resources.

Unreasonable behaviour may include persistent contact and unreasonable demands, while the complaint is being investigated, or once all the complaints stages have been exhausted.

Where behaviour is considered unreasonable the appropriate action will be taken. This may involve establishing a cut-off point for dealing with the issue and advice on how to escalate a case to the relevant Ombudsman if the customer is dissatisfied with the council’s response.

Other action may be taken in line with the recommendations of the CHL’s Complaints Team or with separate procedures for dealing with persistent unreasonable behaviour. These procedures will be shared with customers if appropriate, and upon request, and they will be advised where they are being followed.

8. ASB CASE REVIEW USING THE COMMUNITY TRIGGER

Victims of ASB are able to use the Community Trigger to request a review of their case. Agencies, including councils, police, local health teams and registered providers of social housing will have a duty to undertake a review of how they have dealt with a case when the complainant is dissatisfied with the outcome and the case meets our locally defined threshold.

The Community Trigger can be used by any victim of anti-social behaviour or by any person acting on their behalf, for example a family member, friend, carer, councillor, MP or other professional person. This is intended to ensure that all victims are able to use the Community Trigger. However, the victim's consent should be sought by the person using the Community Trigger on their behalf.

The Community Trigger should not be used to complain about a single organisation. If your complaint is specifically about CHL you are advised to follow our complaints procedure documented above.

9. HOW CAN I GET A ASB CASE REVIEW USING THE COMMUNITY TRIGGER?

To meet the requirements of the Community Trigger threshold, one of the following criteria must be met.

3 or more complaints in the last 6 months from one individual about the same problem, or
1 incident motivated by hate in the last 6 months from one individual.

You can access the community trigger by contacting Cornwall Councils Anti-Social Behaviour Team on 0300 1234 232

10. CONFIDENTIALITY AND DATA PROTECTION

CHL will explain to the complainants that it may be necessary to disclose information to other statutory agencies such as the local authority or the police. Information will be shared with other agencies where there is a duty to do so, and/or where information sharing protocols are in place.

CHL will only share information in line with the agreed Information Sharing Agreement, which CHL has signed up to, which covers:

- What information will be shared
- What powers in law provide the ability to share information
- How the information will be shared
- Who the partners to the agreement are, and
- Any necessary security requirements

11. 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 CHL or the police have secured a 'Closure Order' on a property managed or owned by us, CHL 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. CHL 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.

12. CROSS TENURE ISSUES

CHL 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. CHL 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.

13. MONITORING AND REVIEW

ASB is an area which is routinely monitored by the Neighbourhood Enforcement Team.

The Team collect data via a satisfaction survey which is used to shape CHL services and it is reported through established performance monitoring including TSM's. From 2024 Cornwall Housing will provide further information on ASB management to the regulatory Authority including a figure for ASB case numbers per 1000 properties.

Our ASB process is also scrutinised by tenants and externally audited on an ad-hoc basis to ensure that CHL are providing service that is value for money.

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

14. LEGAL INFLUENCES ON THIS POLICY

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
Protection from Eviction Act 1977

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.

15. OTHER DOCUMENTS LINKED TO THIS STRATEGY

Harassment and Hate Crime Policy
Domestic Abuse and Sexual Violence Policy
Anti-Social Behaviour Procedure
Tenancy Agreements
Conditions of Tenancies
Equality and Diversity Framework
Tenants' Handbook
Safeguarding Children, Adults and Vulnerable Adults Policy
Tenant Participation Strategy Tenant Participation Policy
Homechoice (Allocations) Policy
Gypsy and Traveller Pitch Agreement
Tenancy Fraud Policy

16. DIVERSITY & INCLUSION

CHL are committed to treating all people with fairness and respect. CHL aim to create an inclusive environment where people are treated with dignity, inequalities are challenged, and CHL anticipate and respond positively to different needs and circumstances to enable individuals to achieve their potential and foster good relations within the communities CHL serve. CHL want to be recognised as an organisation delivering fair, inclusive, accessible services and an employer and partner of choice.

When applying this policy, CHL act sensitively towards the diverse needs of individuals and to reduce discrimination and harassment by making reasonable adjustments such as:

- eliminating discrimination – by providing support to those who need it and information in accessible formats and languages on request.
- tailoring the policy to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community
- advancing equality of opportunity – treating all tenants fairly
- fostering good relationships – listening to customers and responding appropriately
- compliant with all aspects of Equality & Diversity legislation, and specifically the Equality Act 2010.

CORNWALL HOUSING

Information Classification: CONTROLLED

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Alternative formats:

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 info@cornwallhousing.org.uk



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