

Tenants and Leaseholders Anti-Social Behaviour

Stevenage Borough Council

August 2024 - August 2026

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1. Purpose

1.1 What is the policy position?

Tackling Anti-Social Behaviour (ASB) continues to be a priority for the Stevenage Borough Council ('the Council'). Our aims and objectives when tackling ASB and related nuisance are laid out in our Community Safety Strategy 2021-24.

The purpose of this policy is to set out the Council's approach to managing Anti-Social Behaviour and nuisance in relation to our Tenants and Leaseholders.

Definition of ASB and Hate Crime;

- We use the definitions of ASB found within Part 1 of the ASB, Crime and Policing Act 2014, relating to our responsibilities as a Local Authority and as a housing provider, which defines ASB as being:
 - conduct that has caused, or is likely to cause, harassment, alarm 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.
- The term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity. Hate crime can include harassment, damage to property, physical violence, threatening behaviours.
- Where behaviour reported meets the above definitions we will then consider if the behaviour is unreasonable. Only where we determine something to meet the definition AND be unreasonable will we deem it to be ASB.
- We believe that Hate Crime is a serious form of ASB and class it as an incident where the victim/s is part of an identifiable group and the motivation for the perpetrators behaviour towards them is due to them being party of this group. Where a hate crime occurs, we will follow this policy.
- We will also use this policy to address any violence, abuse or inappropriate behaviour towards employees or contractors of SBC.

- Some behaviour may be reported as a nuisance but may not be ASB. We will consider reasonableness when determining whether a reported nuisance requires action under the ASB Policy and may refer the issue to a more appropriate team or agency.

Everyone who lives, works and visits Stevenage has the right to do so in a safe environment that allows them to enjoy the area. ASB can be a destructive force within communities and the lives of a significant number of people can be blighted by the behaviour of an unreasonable minority making other people's life unbearable. ASB can also damage the sustainability of communities and adversely affect our ability to let our properties.

ASB is taken very seriously by the Council and will not be tolerated. We expect our tenants, leaseholders, their family members, including children or visitors to their home, to show consideration and tolerance for their neighbours and the wider community.

Stevenage is a safe place to live but we do recognise that we must be effective in tackling ASB and addressing the problems it creates. We will work co-operatively with partners and focus on problem solving methods within including using preventative and early intervention measures to reduce incidents of ASB and avoid escalation.

We will look to provide support to those perpetrators who are willing to change their behaviour and although we will seek to resolve complaints of ASB informally, we will take formal or legal enforcement action when necessary.

We maintain that any complaints of ASB remain an allegation until investigated and evidenced. The council must make a decision, prior to taking action, whether an allegation is true or not. We will always take a measured, reasonable, and proportionate approach to enforcement based on the available evidence.

The policy aims to:

- Describe the approach to the management and prevention of ASB in relation to the Council's Tenants and Leaseholders.
- Ensure the Council operates to a framework that complies with its legal and best practice obligations.
- Provide staff and customers with a flexible but clear range of information.
- Adopt approaches that will enable our ASB strategic objectives to be achieved that will improve the quality of life of our tenants and leaseholders.

- Ensure tenants and leaseholders do not have the enjoyment of their home blighted by the behaviour of a minority who act irresponsibly and anti-socially.

1.2 Amends 2023 policy with updated legislation for 2024.

2. Scope

2.1 Who is responsible for administering this policy and who will be impacted?

This Policy:

- Applies to those with an introductory and/or secure tenancy with Stevenage Borough Council.
- Applies to those with a Tenancy Occupancy Agreement whilst in Temporary Accommodation.
- Private tenants and homeowners
- Leaseholders of SBC
- Any person who may live, work, or visit Stevenage.

Customer Service advisors - The Customer Service Centre provides initial advice to people making enquiries or ringing to report incidents to the Council.

Housing Officers- Are the first point of contact for our tenants and leaseholders. They are expected to respond to reports of Anti-social Behaviour and follow the appropriate procedures. This can include interviewing complainants and witnesses, completing risk assessments and action plans and then referring to the ASB team using the low level/risk assessment referral forms. Housing officers deal with cases of low level ASB including mediation. This may include one off incidents of ASB. In these instances, a housing officer would be expected to contact the complainant and alleged perpetrator with the aim to resolve the issue without further intervention.

Anti-Social Behaviour Team –Manage medium and high risk cases of ASB. Give advice to tenants and leaseholders as well as victims of ASB on what actions can be taken against people who have been identified as preparators of ASB. Officers are responsible for investigating and taking action in cases referred to them and will act using the powers and tools provided through legislation following best practice guidelines. These actions may range from mediation between complainants and alleged perpetrators through to taking legal steps to take possession of a property in the most extreme cases. Each case referred will have an action plan and risk

assessment (unless agreed by a team leader or manager within the ASB team) ASB Officers are responsible for recording and monitoring all cases assigned to them. Officer's work closely with the police and other agencies in tackling ASB.

Resident Services Manager and the Senior ASB Officer. – Provides on-going advice and assistance to internal and external enforcement including advice and assistance on this policy and any enforcement actions. Agrees the actions taken by the ASB Officers to address reports of anti-social behaviour. Is responsible for updating the policy in relation to changes in legislation. Makes sure that our practices are carried out in accordance with this policy and legislation.

The Head of Housing – Has overall responsibility for the implementation of this policy and its periodic review.

3. Legal Framework

3.1 What legislation is this policy associated with?

- Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003, section 12)
- Anti-Social Behaviour Crime and Policing Act 2014
- Social Housing (Regulation) Act 2023
- Data Protection Act 2018
- Police and Criminal Evidence Act 1984
- Housing Act 1985
- Housing Act 1988
- Domestic Abuse Act 2021
- ASB Action Plan 2023
- ASB Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Housing and Regeneration Act 2008
- Telecommunications Security Code of Practice
- Anti-Social Behaviour powers: statutory guidance for frontline professionals (gov website)
- GDPR General Data Protection Regulation 2018
- Information sharing partnership agreements
- ASB Act 2003
- TSA Code of Guidance
- Neighbourhood and Community Standard 2024

3.2 What are the legislative requirements that the council must fulfil?

The council is required by the Housing Act 1996 (as amended by the Anti-Social behaviour Act 2003, Section 12) and the Anti-Social Behaviour, Crime and Policing Act 2014 to publish a Statement of Policy and Procedures in relation to ASB. The Council must also have in place with partnership agencies a process for tenants and leaseholders who are victims of persistent and recurring ASB to be able to request an anti-social behaviour case review, formally known as ASB Case Reviews.

A specific expectation of the Neighbourhood and Community Standard 2024 is for registered providers of social housing to have a policy in place to reflect how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing and to clearly set out an approach to deter and tackle hate incidents.

4. Equalities

Under the Equality Act (2010) the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty, the council will carry out its functions in a way that:

- a) Removes discrimination, harassment, victimisation, and any other conduct that is unlawful under the Equality Act 2010
- b) Promotes equal opportunities between people who have a protected characteristic(s) and those who don't.
- c) Encourages good relations between people who have a protected characteristic(s) and those who don't.

Further information on the Council's fulfilment of the PSED is set out in the Equality, Diversity, and Inclusion (EDI) Policy (2022) which is applicable to all employees of the Council, councillors and contractors or suppliers who provide services on behalf of the Council.

5. Data Protection

The council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to its successful operations and to maintaining confidence between the Council and those with whom it carries out business. The council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

The council's principal aim is to ensure that all personal data processing carried out by the council, or on its behalf, complies with the seven data protection principles and other key legislative requirements. For further information on the council's approach to handling information please see [the Data Protection Act web page](http://www.stevenage.gov.uk) at www.stevenage.gov.uk

Information Sharing and Confidentiality – the council is party to a number of information sharing agreements with organisations such as the Police and Hertfordshire County Council safeguarding boards. This is to allow us to share information legally for the purposes of preventing, detecting and tackling ASB and crime. The council will comply the relevant data protection legislation when doing so.

Where a complainant requests that their identity is kept confidential, the council will comply with that request, but it may impact on the ability to take action. Sometimes due to the nature of the report it will be clear to the alleged perpetrator who has made the report, and this will be discussed with the complainant before action is taken.

Anonymous reports are often difficult to deal with, especially if information provided is limited. A report will be investigated where there is enough detail or evidence to do so, however it will not be possible to provide an update to the complainant, due to their anonymity.

6. Policy

6.1 Describe in detail the council's intentions and commitments.

Statement of Intent - The Council recognises that all forms of ASB can have a destructive and negative consequence on peoples' lives and is of real concern to people in Stevenage. One of the Council's key strategic objectives is to divert young people from becoming involved in crime and ASB.

In dealing with incidents of ASB, we will actively seek to:

- Stop the ASB from occurring.
- Encourage tenants and leaseholders to resolve their own differences in a reasonable manner.
- Provide mediation to support the resolution of ASB at lower levels before the need for legal intervention.
- Provide support to victims of ASB through referrals to victim support agencies, internal and external agencies. No More service, community support, Citizens Advice Bureau, as necessary.

- Provide opportunities for perpetrators of ASB to access support via partner agencies and the Council's No More Service.
- Support repeat victims of ASB by prioritising areas or individuals affected by repeated ASB.
- Take early and effective action against perpetrators when they fail to engage with support offered.
- Introduce preventative measures.
- Monitor the effectiveness of action taken.
- Escalate enforcement action if the ASB does not cease, using a multi-agency approach in more complex cases.
- Work in partnership with other agencies to tackle ASB.
- Support witnesses throughout the lifetime of a complaint of ASB and beyond.

What to expect when reporting ASB to us:

- Reassurance that all reports of ASB are taken seriously.
- Complainants will be asked to record evidence for action to be taken, this will be requested throughout the whole case. This can be in various formats such as by email, incident log sheets, recordings, photographs, voice notes, noise app recordings, messages and phone calls.
- Referrals to support services will be offered to Complainants.
- Regular contact and review to be made with complainant to provide support, keep them informed of progress and gather further information.
- Risk assessments and action plans will be reviewed regularly throughout the case.
- Partnership meetings and Street Meets may be held throughout the case to share information for a joined-up approach to tackling the ASB.
- Referrals to other agencies will be made throughout the case should any concerns arise such as to Children Services, Adult Care Services, Community Mental Health Team and other support services. We will attempt to obtain consent before referrals are made however may complete these without consent if we are not able to obtain this.
- In cases where we cannot deal with the noise nuisance under our Good Neighbourhood Management Policy, we will make a referral to Environmental Health where we will work in partnership to resolve both the ASB and noise nuisance.
- Complainants will be kept informed of all action being taken and regularly updated. Complainants may be asked to provide victim impact statements

should we need to progress the case to Court to show the impact the ASB has had on them.

- The Council may decide that there is no reasonable action that can be taken to deal with an issue reported and will inform the complainant why this is the case. Cases will be closed where there is no evidence to progress a case and no further action can be taken.

Consequences for perpetrators of ASB:

- Initial contact with alleged perpetrator and verbal or written warnings to be given regarding the behaviour.
- After initial meeting with the perpetrator, if we continue to receive reports and evidence of ASB, enforcement action will be considered such as Acceptable Behaviour Agreements, Community Notice Protection Warnings, Notice of Seeking Possession Warnings.
- Further enforcement action will be taken should the ASB persist such as, Community Protections Notices, Injunctions, Closure Orders on properties and Notice of Seeking Possessions.
- Further action may be sought at court by actioning the Notice of Seeking Possession should the ASB continue, with the aim to gain possession of the property back in an attempt to resolve the ASB.
- When considering any form of legal action, we will endeavour to undertake a proportionality assessment and/or community harm statement to ensure action is necessary and proportionate and that we have considered Public Sector Equality Duties, the Human Rights Act 1998 and the Equality Act 2010.

Support for Complainants and Perpetrators of ASB:

- Referrals to support services will be offered to complainants.
- Regular contact from the case officer throughout the life of the ASB case.
- Referrals to agencies for perpetrators with complex needs to help try and resolve the ASB and support with tenancy sustainment.
- Advice and consideration will be given to implementation of safety measures including the use of surveillance such as CCTV and noise monitoring equipment where necessary.

The Council believes that:

- Everyone has the right to enjoy a peaceful and secure environment in which to live, free from intimidation and ASB.

- There must be tolerance of and respect for others, regardless of their ethnicity, race, religion, gender, age, and sexuality.
- Everyone has the right to their own chosen lifestyle providing this does not impact adversely on the quality of life of others.

The council is committed to recognising that we play a key role with our partners in tackling anti-social behaviour and its causes. The Council's policy reflects all of the various elements of the building blocks introduced through the ASB process which are implemented through our operational practices.

The council requires its residents, leaseholders and those who work or visit the borough to comply with the law and with their tenancy and leaseholder agreements in terms of their behaviour toward others, and in general to act in a 'neighbourly fashion'. ASB may take many forms, and the council take reports about noise, abusive behaviour, late night or frequent visitors, vandalism, graffiti, vehicle nuisance, nuisance pets, drugs, prostitution, alcohol abuse, fly-tipping and criminal behaviour very seriously.

The council has grouped anti-social behaviour into three priority categories depending on their nature, impact and severity. These are A, B and C. The following case categories are in each group and the list is not exhaustive:

A-Criminal behaviour and, employee crime violence incident referral, hate related incidents, domestic abuse, physical violence, verbal/harassment/intimidation/threats, cuckooing, county lines drug dealing.

B-Vandalism and damage to property, illegal encampments, nuisance from vehicles, alcohol, or drug related

C-Bins on boundaries, Dog fouling, fly posting, fly tipping, garden nuisance, misuse of communal areas or loitering, noise,

The grouping reflects the urgency with which staff will respond and the types of remedies that are likely to be considered:

- Category A and will be responded to within one working day.
- Category B cases will be responded to within 2 working days and
- Category C cases will be responded to within 5 working days.

There will be occasions where behaviour reported to us will not be defined as ASB and this will be determined on a case-by-case basis and whilst not an exhaustive list, reasons may include:

- The behaviour does not meet the definition of ASB.

- There is no pattern or persistency, and the incident is minor (i.e. a one-off party and there is no foreseeable risk of a repeat incident).
- The behaviour relates to a dispute between neighbours – sometimes people will not get along and these issues should be resolved by the parties involved rather than relying on Council intervention. Exceptions may be where there is a clear and or vulnerable victim of the behaviour is affecting the wider community.
- Where the behaviour is not unreasonable such as mowing the lawn, carrying out DIY at reasonable hours, noise generated by everyday living such as babies crying, noise from domestic appliances and disturbance related to shift patterns, cooking smells, children playing in the locality or a designated play area, ball games, BBQ's, bonfires and parking disputes.

Our approach to ASB - Our approach to dealing with ASB considers a number of aspects such as seriousness, persistency, harm caused, vulnerability, co-operation and engagement as well as what previous action may have been taken. We will seek to protect and support victims, witnesses, and their families. Where necessary, we will also refer alleged perpetrators for assistance either in-house or to partner agencies. As each case of ASB is unique, so is the way in which we handle each complaint, and our actions will be proportionate and will depend upon the nature and severity of each incident.

The council also recognises that noise nuisance can constitute as Anti-Social Behaviour and following on from the Spotlight on Noise complaints 2022, understands that this nuisance cannot be simply treated as such. The Council has created its own policy for Noise Nuisance under ASB (Anti-Social Behaviour Noise policy 2024) for these issues to be tackled affectively.

Hate Crime - We believe that Hate Crime is a serious form of ASB and class it as an incident where the victim/s is part of an identifiable group and the motivation for the perpetrators behaviour towards them is due to them being party of this group. Where a hate crime occurs, we will follow this policy.

Partnership Working – We will actively participate in information sharing protocols with the police and other agencies to enable us to have a coordinated and effective response to problem solving ASB complaints. The ASB team work co-operatively with partners to support the work of the Stevenage So Safe partnership. We recognise the benefits of diversionary activities, and it is our policy to promote, support and facilitate these activities where appropriate.

Internal Organisation – The Council will provide the resources to enable ASB to be dealt with in accordance with this policy which includes:

- Relevant staff will be trained to handle ASB complaints and given refresher training periodically.
- Record ASB activities through REACT data management system to track and effectively manage cases.
- Use good practices and feedback from service users to implement improvements.
- Cases will be reviewed by managers and the ASB Forum to maintain service quality.
- Will endeavour to carry out ASB satisfaction surveys on all cases.

Involving the customer – It is our policy to involve our tenants and leaseholders in assessing our effectiveness in delivering this policy and the supporting procedures. We use satisfaction surveys during and at the closure of cases to help positively develop our services to achieve our ASB strategies.

We involve the community by:

- Development of service standards which are published on the Council's website.
- Set internal performance targets that are continuously measured and reviewed.
- Service satisfaction checking through case closure questionnaires, telephone calls neighbourhood surveys and enquires.
- Periodic consultation with focus groups of people who have experienced or committed ASB to provide detailed feedback on how our performance could be improved, this is known as the ASB Forum.

Publicity – We recognise that it is important to publicise the availability of the services within the ASB department to encourage reports.

We will:

- Produce service standards in relation to ASB and publicise the various ways ASB can be reported.
- Provide information on ASB on our website and other social media
 - produce press releases and articles at least once a year describing our approach to ASB and the actions we have taken to deal with reported cases in general terms.
 - publicise our stance on domestic abuse, modern slavery, hate crime and Sexual Exploitation on posters in our receptions, on our website and social media, in press releases and in media campaigns.
 - make sure publicity is in alternative formats.

Tenants and Leaseholder Obligations - We want all our tenants and leaseholders to behave in a manner that does not cause ASB to their neighbours and the wider community. Therefore, we have clearly set out the obligations of our tenants in relation to acceptable and unacceptable forms of behaviour in the Tenancy Agreement. Our leases also contain express clauses against causing ASB.

Enforcement - Where appropriate we will act under the relevant Housing Acts and will also use the powers and tools available through the Anti-social Behaviour Crime and Policing Act 2014 to deal with and resolve ASB. The council operates an Introductory Tenancy scheme, which enable us to act against new tenants that are in breach of the tenancy agreement.

We will consider the vulnerability of all alleged perpetrators including whether the alleged ASB is as a result of disability or other vulnerability. We will support alleged perpetrators where we have identified and considered a need for referral to relevant support agencies. This includes referring them to our specialist internal No More Service or No More Service Youth if there are issues in relation to drug or alcohol addiction, or offending behaviour.

Information Sharing and Confidentiality – the council is party to a number of information sharing agreements with organisations such as the Police and Hertfordshire County Council safeguarding boards. This is to allow us to share information legally for the purposes of preventing, detecting and tackling ASB and crime. The Council will comply the relevant data protection legislation when doing so.

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Anonymous reports are often difficult to deal with, especially if information provided is limited. A report will be investigated where there is enough detail or evidence to do so, however it will not be possible to provide an update to the complainant, due to their anonymity.

7. Consultation

This policy has been developed in consultation with key staff within the Council. Government has directed the legal perspective of the policy, but key related stakeholders have also influenced how the Council intends to implement and manage the policy.

8. Monitoring and Review

The Residents and Estates Manager oversees the application of this policy, ensuring it is applied appropriately and consistently as well as looking into its effect on our Tenants and Leaseholders.

Accountability – All of the Councils enforcement activities will be open to public scrutiny, with clear and accessible policies. There is also a fair mechanism for dealing with appeals and complaints associated with enforcement.

9. References and Resources

Internal:

- Environmental Enforcement Policy
- Tenancy Agreements
- Domestic Abuse Strategy (SADA)
- Modern Slavery Procedure
- Lease Agreements
- Staff protection register policy.
- SoSafe Partnership Action Plan 2024/25

10. Abbreviations and Definitions

- EDI - Equality, Diversity, and Inclusion
- GDPR - General Data Protection Regulation
- PSED - Public Sector Equality Duty
- ASB - Anti-social Behaviour

11. Appendices

- Equality Impact Assessment (EqIA).
- ASB Referral Form

- ASB Low Level Referral Form
- Diary Sheet Template

12. Version History

| Date | Outlined Amendments | Author |
|----------------|--|----------------|
| 28/05/2024 | Updated the template and reassessed policy in line with current legislation- version 2 | AJ Rogers |
| August 2024 | KL amendments | Karen Long |
| August 2024 | Signed off by legal | AR Rogers |
| September 2024 | Amendments following KC feedback | Jessica Warren |