



# Anti-Social Behaviour Policy

## 1. Aim of policy

This policy sets out our approach to anti-social behaviour (ASB) including hate motivated behaviour. It covers how we manage anti-social behaviour, the support we offer to our customers and how we work with partner agencies.

## 2. Scope of policy

This policy applies to anti-social behaviour carried out in the locality of our homes, by people who live in or visit any property owned, part owned or managed by us.

The policy is essential to ASB Officers who manage ASB cases. It will be important to neighbourhood teams, customer experience teams and tenancy support teams who may be in contact with customers who are involved in ASB cases. It could also be relevant to any members of staff who witness ASB whilst at work.

## 3. Policy statement

This policy sets out what we expect from our customers and what they can expect from us. We aim to stop the behaviour that is causing issues and prevent it starting again. In most cases we do this by helping customers recognise the impact of their behaviour, understand the consequences if it continues, and help them making lasting changes. In very serious cases, we might start legal action straight away with the aim of keeping residents and staff safe. We'll meet our aims by:

- Assessing ASB cases to ensure our resources are targeted and used efficiently
- Having a specialist ASB Team to manage cases and legal action
- Taking appropriate and proportional action when there is enough evidence
- Promoting a customer-centred approach, providing support to victims and witnesses
- Work with partner agencies to ensure that the most appropriate powers are used to tackle the issues

Anti-social behaviour can be subjective in nature so we will retain flexibility in how we implement this policy to ensure that we are delivering the intended outcomes.

## 4. Policy

### 4.1 What is ASB?

ASB incorporates a very wide variety of behaviours ranging from, for example, noise nuisance through to criminal activities, hate motivated behaviour, assault, and criminal damage. Here are some examples of what we will investigate as ASB:

- Hate motivated behaviour
- Violence or threats of violence

- Verbal abuse (such as shouting or swearing at someone)
- Criminal damage
- Harassing someone for any reason
- Being very noisy or rowdy
- Taking or selling illegal drugs
- Nuisance from pets and animals
- Using a home for illegal things like prostitution

We don't treat these types of behaviour as ASB:

- Noise from children playing or babies crying
- Normal living noise such as closing doors, going up and down stairs or people talking
- Smells from someone cooking
- Noise of a vacuum cleaner, washing machine or DIY
- Parking issues

We want children to have active, healthy lifestyles and don't treat ball games as ASB. We won't get involved unless the children are causing other issues such as verbal abuse or criminal damage.

### **Personal disputes**

We encourage our customers to live amicably within their community. Lifestyles and personalities can be diverse and tolerances differ, and sometimes people fall out with their neighbours. This can result in disputes with neighbours which may include:

- Dirty looks
- Comments in passing
- Disagreements over bins, or parking
- Lower tolerance to kids playing
- Allegations from both sides (counter allegations) against each other, without independent witnesses

In most circumstances, we will not record this as ASB. We can offer advice and guidance and referrals to an assessment service and mediation. However, we are unlikely to be able to resolve neighbour disputes for customers.

Here are some examples of other times we won't take any action:

- The alleged perpetrator is not our customer or a visitor to our properties
- There isn't enough evidence or support from victims and witnesses
- The alleged nuisance is caused by reasonable everyday behaviours, such as living noise
- We believe that the complaints are malicious
- As a landlord, it isn't something we believe that we should be involved in

In these cases, we will offer advice and guidance to encourage customers to manage the situation themselves. Disturbances caused by household noise will be covered in our Housing Management Policy.

The legal definitions of ASB and hate motivated behaviour are in appendix A.

## **4.2 Customers' responsibilities**

We expect our customers not to act anti-socially, or to allow their family, household members, visitors or pets, to do so. This can be towards other customers, their visitors or other people in the area including our staff and contractors. In addition to the legal responsibilities set out in tenancy agreements, licences or leases, we will encourage all residents to:

- Be realistic about what we can do as a landlord
- Try to resolve problems with neighbours themselves, acting reasonably and not retaliating
- Respect other peoples' right to live as they choose, and be tolerant of minor disturbances
- Let us know when ASB is happening, including the dates, time, who was involved and what happened
- Report crimes to the Police and noise complaints to Environmental Health
- Co-operate with us to help resolve the issues, for example by engaging with assessment, attending mediation, providing statements, attending court etc.

## **4.3 Reporting ASB**

We'll take reports of ASB from our customers, other residents, advocates and anyone else who is affected by the behaviour. We also receive information about ASB cases from other agencies, such as the Police, Environmental Health and Community Safety teams.

Here are the ways that customers can report ASB to us [www.vividhomes.co.uk/contact-us](http://www.vividhomes.co.uk/contact-us)

We encourage customers to keep a track of what is happening and how the issues are affecting them. Our website has advice for customers about different ways to record what is going on.

## **4.4 What we do**

All ASB cases are managed by specialist officers in the ASB team. We'll assess each case and contact the people involved. We'll provide an action plan to complaints, showing what we and the customer will do. We'll also agree when and how we'll contact the customer. This is usually weekly but can be longer if the customer prefers.

We'll often use early interventions such as warning letters, meetings, partnership visits, Acceptable Behaviour Agreements and Good Neighbour Agreements. If appropriate, we may refer the case to an Assessment or Mediation service. These services are provided by an independent company.

A range of legal tools can be considered if appropriate and there is sufficient evidence, such as:

- Notice of Seeking Possession (NOSP)
- Suspended Possession Order (SPO)
- Section 21 Notices
- Possession Proceedings
- Undertakings
- Mandatory Ground for Possession
- Civil Injunctions

- Forfeiture of Lease
- Demoted tenancies

We consider the Equalities Act and Human Rights Act when considering and taking legal action; we'll review the proportionality of the action, the needs of the victim, perpetrator and wider community.

#### **4.5 Cannabis**

There has been an increase in the number of complaints about the personal use of cannabis in and around our properties. Possessing or using cannabis in your home is a criminal offence, unless it has been prescribed by a doctor for medicinal use. It is a breach of the tenancy agreement which states that the property must not be used for illegal activities. Tenancy enforcement action can only be considered where there is proof of cannabis use (rather than incense or vaping) and substantial evidence that the nuisance caused by the cannabis use was having a significant impact on an individual, such as serious detriment to health. This would need to be supported by evidence from other agencies such as medical professionals or Environmental Health.

We try to resolve these cases through interventions, such as:

- Asking customers to be more considerate of neighbours
- Acceptable Behaviour Agreement
- ASB Assessment referrals
- Mediation
- Warning letters
- Passing information on to the Police

#### **4.6 Community trigger**

A Community Trigger, also known as an ASB case review, is a process customers can use if they have reported ASB and think that no action has been taken. It makes the police, local council and housing associations look at the situation and what they have done to resolve it.

The community trigger is managed by Community Safety Partnerships and customers can contact their local council for more information.

#### **4.7 Support**

We aim to create an environment where victims and witnesses feel confident and safe in coming forward to report ASB. We'll support complainants by:

- Offering a variety of methods to report ASB and stay in contact with us
- Contact complainants and agreed an action and contact plan so they what is expected
- Be honest about what we can and can't do
- Assess any support or vulnerabilities, and refer to support services where needed
- Referring to an ASB worker at Victim Support, if needed
- Using translation services if required
- Offer witnesses pre-hearing court visits, pre-trial briefings.

We realise that some customers who behave anti-socially will need support to help them change behaviours, sustain their tenancy and reduce the risk of them losing their home. Where appropriate, we will work with support services to help them make lasting changes. Whilst

managing and investigating an ASB case, any concerns regarding the well-being of an adult or child will be reported using the Safeguarding procedure.

#### **4.8 Partnership working**

We work in partnership with other agencies to tackle ASB. We'll let customers know about other agencies who have powers to deal with the problem and how we will work with those agencies to help resolve the issue. If appropriate, we'll support the agency with action they may take and build relationships with them so that they also support any action we make take. A decision will be made at the start of the case who will take the lead. Our partner agencies' powers include:

- Closure Notices & Orders
- Noise Abatement Notices
- Criminal Behaviour Orders (CBO)
- Public Space Protection Orders
- Dispersal Orders
- Community Protection Notices

We may share information with key agencies involved with community safety partnerships and statutory partner agencies. Personal data regarding individuals may be disclosed for one or more of the purposes of:

- Preventing anti-social behaviour, crime and disorder
- Detecting offences
- Apprehending offenders
- Assisting in the prosecution of offenders, both civil and criminal
- Providing support for the victims of crime
- Making our communities safer

We will treat as confidential all ASB information provided by either party in accordance with the Data Protection legislation and VIVID policies. We will however, disclose information to the Police, Children's and Adult Services and other partnership agencies for the prevention and detection of crime, apprehension or prosecution of offenders and the protection of children, young people, vulnerable adults or where failure to disclose would be likely to prejudice these objectives.

### **5. Statutory requirements**

- The Anti-Social Behaviour, Crime and Policing Act 2014
- Housing Act 1985
- Housing Act 1988
- Data Protection Act 1998
- Equality Act 2010
- Localism Act 2011
- Mental Capacity Act 2005

### **6. Related policies**

- Housing Management Policy
- Reasonable Adjustment Procedure
- Lettings Policy

- CCTV Procedure
- Complaints Policy
- Domestic Abuse Policy

## 7. Monitor and review process

Regular case reviews are undertaken by line managers to ensure that appropriate actions are being taken and good case management is being undertaken. At intervals we arrange for an independent audit of our procedures and records to ensure that they reflect good practice and are being followed. We will monitor new legislation and best practice and may make use of any new legislation or tools as required. This policy will be approved by the Executive and reviewed every year.

## 8. References/appendices

Link to any documents including appendices referenced within the body of the text (if applicable)

| Consultation requirements            | Last Consultation Date  | Date for next consultation |
|--------------------------------------|-------------------------|----------------------------|
| Customer consultation                | Dec 2023                | Dec 2026                   |
| Equality Impact Assessment required? | Last EIA date completed |                            |
| Yes                                  | January 2024            |                            |

| Author        | Owner      | Approval level e.g. Board | Date approved  | Review date (three year) |
|---------------|------------|---------------------------|--|--------------------------|
| Beth Holmyard | Alex Nagle | Exec                      | January 24   | January 2025             |
| Beth Holmyard | Alex Nagle |                           | July 2024<br><i>Minor updates to contact channels only</i> | January 2027             |

## Appendix A: Definitions of Anti-Social Behaviour and Hate motivated behaviour

### Anti-social behaviour

The Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour 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.*

We will also consider any definitions as stated in relevant tenancy agreements, licences or leases when managing ASB.

### Hate motivated behaviour

Hate motivated behaviour is used to describe behaviour which is driven by hatred or prejudice towards particular social groups, race and ethnicity, religion or beliefs, sexual orientation, disability, transgender identity.

- A hate motivated incident is defined as:  
*A hate incident is any non-crime perceived by the victim or any other person, as being motivated by prejudice or hate*
- A hate motivated crime is defined as:  
*A criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate*