



Housing Services

Anti-Social Behaviour Policy

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| Status | DRAFT |
| Version | Version 1 |
| Lead Officer | Anne-Marie Loughran, Housing Manager (ASB) |
| Applies to | Tenants and leaseholders of KBC |
| Committee Approval date (if required) | TBC |
| Tenant reading panel approval date | TBC |
| Equality Impact Assessment completion date | TBC |
| Policy review date | One year after above date |

1. Introduction

Nuisance and anti-social behaviour (ASB) disrupts the lives of many people within our communities, bringing distress and fear. Tackling ASB remains a high priority for the Council – it is critical for residents to feel safe in their homes and neighbourhoods.

We recognise that failure to tackle ASB effectively could substantially affect the lives of those individuals who are living with nuisance or ASB and hinder the development of sustainable communities.

2. Scope of policy

This document refers specifically to tenants and leaseholders of Kettering Borough Council.

3. Policy Aim

The aims of this policy are:

- To tackle ASB promptly and effectively on our estates using appropriate and proportionate interventions
- To protect residents, prevent ASB and promote sustainable communities

- To encourage and develop partnership working with a variety of agencies in order to prevent and reduce ASB
- To provide clear and consistent information about how we will respond to complaints of ASB

4. Definition of ASB

Legal Definition

Section 2 (1) of the Anti-Social Behaviour, Crime and Policing Act (2014) defines ASB as:

- a) Conduct that has caused, or is likely to cause harassment, alarm or distress to any person.
- b) Conduct capable of causing nuisance and annoyance to any person
- c) Conduct capable of causing housing-related nuisance or annoyance to any person

What is ASB?

The term ASB includes a wide variety of unacceptable behaviours that can impact the quality of another residents' life. ASB is typically persistent in nature and often leaves victims feeling helpless, desperate and with a seriously reduced quality of life. Terms such as 'nuisance', 'disorder' and 'harassment' are also often used to describe this type of behaviour.

Kettering Borough Council tenants sign a tenancy agreement which includes clauses regarding behaviour; if there is evidence that a tenant has breached their tenancy agreement then the Council can take action to prevent this from happening again.

Examples of behaviours considered to be ASB:

- Playing music or other amplified sound at a volume that is considered unacceptable
- Excessive dog barking
- Frequent loud shouting or arguing
- Behaviours linked to criminal activity which takes place in the vicinity of the property
- Fly tipping, overgrown gardens and accumulations of rubbish.

What is not considered to be ASB?

Behaviour which would not generally be considered as unreasonable or is a result of lifestyle differences is not considered to be ASB and will not be dealt with via this policy.

Please note, it is expected that residents whether they live in houses or flats will hear a certain amount of noise from their neighbours. This will vary according to the type of property they are living in and how easily noise transfers between adjoining properties. Residents are not however, expected to endure unreasonable levels of noise nuisance.

Examples of issues and behaviours which may disturb people but cannot be dealt with as ASB are:

- Disturbance caused by noises related to: babies crying, children playing, people using lawn mowers, people moving around in an upstairs flat, noise caused by reasonable use of washing machines or other domestic appliances, car or burglar alarms, dog barking at a reasonable or acceptable level or frequency
- Cooking smells
- Isolated incidents (one-off party, argument, or altercation)
- Disputes regarding parking, boundaries, or overhanging trees

These are simply examples and the list is not exhaustive. If a resident believes they are experiencing disturbance from 'typical' household noise but at an unreasonable level contact should be made with the Council to seek further guidance and advice.

5. Legal and regulatory requirements

We are required to take account of legislation and statutory guidance relating to management of local authority housing and antisocial behaviour.

Legislation and statutory guidance relevant to Housing Services and antisocial behaviour are:

- Race Relations Amendment Act 2000
- Crime and Disorder Act 1998
- Disability Discrimination Act 1995-2005
- Human Rights Act 1998

- Homelessness Act 2002
- General Data Protection Regulation
- Housing Act 1985 and 1996
- Anti-social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Anti-social Behaviour, Crime and Policing Act 2014: Statutory guidance for frontline professionals (July 2014)
- Localism Act 2011
- Protection of Freedoms Act 2012
- The Absolute Ground for Possession for Anti-Social Behaviour (Review Procedure) Regulations 2014

6. Our approach to ASB

Our key principles and approach to tackling ASB are:

- We believe that every resident should be able to enjoy the peace and security of their homes and neighbourhoods therefore we will not tolerate ASB within our properties and neighbourhoods
 - We will take a multi-agency approach to deal with ASB and will promote preventative activities, early intervention and enforcement where necessary
 - We will take a victim centred approach and endeavour to protect potential witnesses
 - Where the evidence exists, appropriate and proportionate action will be taken against the perpetrators of ASB whether it is being caused by them, other occupants of the property, or their visitors.
 - We recognise that ASB is often a symptom of more fundamental problems with the individual or within the household as a whole and that is possible to change poor behaviour through support from specialist agencies.
 - We will comply fully with the requirements of General Data Protection Regulation and will not share personal information without permission. This may lead to complainants feeling that they are not being kept informed of progress with a case however we are bound to have regard to the confidentiality of perpetrators as well as victims.
 - As a 'relevant authority' we have an additional duty under the Crime and Disorder Act to share information with law enforcement agencies where disclosure is necessary for the purposes of preventing crime and disorder. This may include passing on personal information without permission.
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Examples of preventative actions:

- Use of introductory tenancies
- Diversionary activities
- Community Resolutions
- Support packages
- Local Lettings Policies
- Regular Area Walkabouts
- Environmental Improvement schemes
- Capital Improvement Works to communal areas

Examples of early intervention:

- We may suggest that the complainant contacts their neighbour, if they feel safe and confident in doing so
- Mediation and restorative justice solutions
- Warning letters
- Structured interviews
- Referrals to specialist support services

Examples of enforcement actions:

- Acceptable Behaviour Contracts
- Community Protection Notices
- Injunctions
- Criminal Behaviour Orders
- Parenting support order
- Demoted tenancies
- Extension of the introductory tenancy period
- Serving a Notice of Seeking Possession
- Closure orders
- Possession proceedings in the court either under discretionary or mandatory grounds
- Statutory Nuisance Abatement Notices

7. Working in Partnership

ASB is a complex issue and the most effective solutions are reached by working in partnership with other agencies.

Kettering Borough Council is a member of a number of multi-agency groups working together to prevent and tackle ASB within the borough; other organisations involved include:

- Northamptonshire Youth Offending Service
- Northamptonshire Police
- Northamptonshire County Council
- Catch 22
- Groundworks
- Service 6
- Registered Providers (Housing Associations)
- Probation Service
- Change-Grow-Live
- Sunflower Centre

When working with a family to resolve issues of ASB behaviour, The Neighbourhood Manager and Housing Manager (ASB) may also attend child protection case conferences and other multi agency meetings as required.

8. Reporting ASB

If a resident is suffering from any kind of ASB, they should report the problem as soon as possible to the appropriate agency.

The table below contains some examples of which organisation should be contacted, however a resident who is unsure about the best agency to deal with the problem should contact Customer Services who can advise further.

| Type of ASB | Report to |
|---------------------------|-----------|
| Abandoned vehicles | Council |
| Animal related problems | Council |
| Litter/rubbish | Council |
| Noise | Council |
| Overgrown gardens | Council |
| Begging | Police |
| Criminal damage/vandalism | Police |
| Drug/substance misuse | Police |
| Intimidation/harassment | Police |
| Rowdy behaviour | Police |

It is common for a number of services to work together to get the problem resolved. The service leading on the case is responsible for making contact with other relevant agencies to work in partnership to tackle the problem effectively.

Ways to contact us:

- Telephone our Customer Service Centre
- Letter or email
- Online ASB reporting form available on our website

- In person either during a home visit from an officer or at our Customer Service Centre

Kettering Borough Council will accept anonymous complaints however residents should be aware that by choosing to make a complaint anonymously this can limit the action we can take. Anonymous complainants by definition will not receive any contact or feedback regarding their complaint.

9. Responding to complaints of ASB

Following receipt of a complaint of ASB an officer from the Neighbourhood Services team will make contact with the resident within 2 working days to discuss the matter in more detail.

If the complaint is accepted the officer will:

- Provide the name and contact details of the Investigating Officer together with information about how Housing Services may be able to assist them.
- Agree an action plan including actions or investigations that the Investigating Officer will undertake and actions for the resident (eg completion of incident diary, use of noise recording devices, etc).
- Agree a timescale for further contact via the resident's preferred contact method.

In cases where Housing Services are not the appropriate agency to lead on a complaint, the resident will be signposted to the appropriate agency who will liaise with Housing Services if necessary. If a breach of tenancy is evidenced by their investigations we will take appropriate enforcement action.

If the initial complaint is not considered to constitute ASB the relevant officer will contact the resident to discuss the reasons behind this decision and offer advice.

10. Case Management

Each case is individual and can vary widely however residents should expect:

- To be contacted regularly throughout the case with contact no less frequently than every 2 weeks
- To be contacted at critical stages during the case in addition to the above
- Risk assessments to be carried out for both the victim and perpetrator at the start of the case and at critical stages throughout.

- Detailed and professional case notes to be maintained
- Regular desktop reviews of the case to be carried out by the ASB Team
- The case to be escalated to senior/specialist officers if required
- Reasonable and proportionate action to be taken in a timely manner
- Appropriate practical and emotional support for victims who are willing to attend court as a witness
- Target hardening measures to be put in place if required (for example window locks, etc)

11. Closing cases

We seek to close cases in a timely manner where:

- There is evidence to show that the problem has been resolved
- The resident has not submitted required information to assist the investigation and the behaviour cannot be evidenced
- Following investigation the behaviour cannot be evidenced
- Independent mediation has been offered and one or more parties has refused to engage, no further action is appropriate

The Investigating Officer will contact the resident to discuss closing the case and the reasons why this decision has been taken. Feedback will be sought on the service received.

12. Links to other policies

This policy has been produced in context with the following existing strategies and policies:

- Kettering Borough Council Housing Strategy 2015-2020
- Kettering Borough Council Housing Allocation Scheme
- Kettering Borough Community Safety Partnership Plan

13. Community Trigger

The Community Trigger is a mechanism designed to give victims of Anti-Social Behaviour (ASB) the right to a review of their case.

When certain criteria are met, agencies are required to review how previous complaints of ASB have been dealt with, and what further action (if any) is required.

In order to request a review the following criteria must be met:

1. 3 reported incidents of ASB in the previous 6 months, to a relevant agency (police, council, housing provider)
2. Each report has been made within 1 month of the alleged incident.
3. None of the reports were anonymous.
4. Each reported incident must have caused harassment, alarm or distress

Each local authority has nominated a Community Trigger single point of contact, who will review any trigger requests against the criteria set. They will also consider the persistence of the ASB and the harm or potential harm caused.

For further information about the Community Trigger please telephone Kettering Borough Council on 01536 410333 or visit the website at: www.kettering.gov.uk

14. Compliments and complaints

We monitor the quality of the service we deliver by asking residents to provide general feedback when we close cases. This feedback will be used to inform future service improvements.

However, if a resident is unhappy with the service they have received, they have the right to make a formal complaint through the Council's Complaints process by contacting us in one of the following ways:

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| In writing: | Customer Service Centre, Kettering Borough Council, Municipal Offices, Bowling Green Road, Kettering, NN15 7QX |
| In person: | visit our Customer Service |
| By telephone: | 01536 410333 |
| By email: | customerservices@kettering.gov.uk |

If at the end of the complaints process if they are still not satisfied, they have the option of taking their case to the Housing Ombudsman. The Housing Ombudsman Advice Team can be contacted on 0300 111 3000 or online at www.housing-ombudsman.org.uk

13. Monitoring and review of the policy

This policy will be regularly reviewed by the Housing Manager (ASB). As a minimum, the review will be carried out annually, and in response to new legislation, good practice or changes to other policies.

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