



Version

1

Anti-Social Behaviour Policy

Scope:	This policy applies to all tenants, leaseholders and residents of Welwyn Hatfield Borough Council as well all visitors to the Borough.
Effective Date:	July 2019
Review Date:	July 2022 or when legislative or regulatory changes take place.
Signed Off :	9 th July 2019
Author:	Kerry Clifford, Neighbourhood and Enforcement Manager
Policy Owned by:	Neighbourhood and Enforcement
Statute:	ASB Crime and Policing Act 2014 ASB Act 2003 Equality Act 2010 The Crime and Disorder Act 1998 Human Rights Act 1998 Housing Act 1996 Environmental Protection Act 1990
National Standards	Neighbourhood and Community Standard Tenant Involvement and Empowerment Standard RESPECT ASB Charter

Anti-Social Behaviour Policy

1 Scope

- 1.1 This policy applies to all tenants, leaseholders and residents of Welwyn Hatfield Borough Council (WHBC) as well as all visitors to the Borough.

2 Policy Statement

- 2.1 The aim of the policy is to set out how we will deal with anti-social behaviour (ASB), nuisance and Hate Crime that is adversely impacting on people and communities.
- 2.2 The specific objective of the ASB Policy is to ensure we provide a consistent and proportionate response to all behaviour we define as being anti-social.

3 Key Principles

- 3.1 Our priority is to provide a high quality and responsive service to tackle ASB and Hate Crime in our communities.
- 3.2 We will take a harm centred and victim first approach and consider the impact of ASB and not just the seriousness.
- 3.3 We will work in partnership to prevent ASB, manage cases and sustain thriving communities.

4 Definition of ASB and Hate Crime

- 4.1 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:

(a) conduct that has caused, or is likely to cause, harassment, alarm distress to any person,

(b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or

(c) conduct capable of causing housing-related nuisance or annoyance to any person.

- 4.2 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.
- 4.3 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.
- 4.4 WHBC realise that we have a role to play in tackling domestic abuse (DA) and to support victims. We will consider DA in-line with ASB where the issues are affecting

persons not of the same household. Where this is the case we will follow this policy in conjunction with our Domestic Abuse Policy.

- 4.5 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.
- 4.6 We will also use this policy to address any violence, abuse or inappropriate behaviour towards employees or contractors of WHBC.
- 4.7 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.

5 Examples of ASB

- 5.1 We will establish whether a report is ASB based on the behaviour, the impact and context of each case. Therefore we cannot produce a comprehensive list of behaviours that we consider to be ASB, but the following gives examples that we are likely to consider to be ASB:

Personal ASB – *behaviour targeted towards a particular individual e.g. violence, threats of violence, hate crime, abuse etc.*

Community ASB – *behaviour that affects a number of people in the community e.g. noise, animal nuisance, drug or substance misuse, damage to property*

Environmental ASB – *behaviour such as littering, fly-tipping, dog fouling etc.*

- 5.2 There will be occasions where behaviour reported to us will not be defined as ASB. This will be determined on a case by case basis and the 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 that has caused a disturbance and there is no foreseeable risk of a repeat incident).
 - The behaviour relates to a dispute between neighbours – sometimes we will live next to people we do not get on with and these issues should try and be resolved by the parties involved rather than relying on us to do so. Exceptions would be where there is a clear and/or vulnerable victim or the behaviour is affecting the wider community (in relation to the latter example it is likely we will take action against all parties involved in the dispute).

- Where the behaviour is not unreasonable such as: mowing lawns or other garden maintenance, carrying out DIY at reasonable hours, noise generated by everyday living, e.g. walking across laminate floor wearing shoes or a baby crying, noise from domestic appliances, noise disturbance relating to shift patterns, cooking smells, children playing in the locality or a designated play area, ball games, BBQ's, bonfires and parking disputes.

5.3 This is not an exhaustive list and each complaint will be independently assessed as to whether it is reasonable or not. Behaviour may cause a nuisance to the complainant but not be ASB, we will assess reasonableness in these circumstances and may refer to a more appropriate team or agency.

6 Categories of ASB

6.1 We categorise ASB based on the severity and the harm caused. This is to ensure we prioritise the most serious behaviours and can act quickly to protect those in most need. Below we give details of the types of behaviour that fall under these categories and our response times.

Case Severity	Examples	Response
High Risk (likely to be defined as Personal ASB)	Threats of violence, actual violence, Hate Crime or ASB where the victim or perpetrator has high levels of vulnerability	Contact with the complainant will be attempted within 24 working hours
General ASB (likely to be defined as Community ASB)	All forms of ASB not categorised as high risk or environmental	Contact with the complainant will be attempted within 5 working days
Environmental ASB	Issues such as littering, fly-tipping, dog fouling, graffiti (where no hate related element), noise disturbance	Contact with the complainant will be attempted within 5 working days

7 Expected Standards of Behaviour

7.1 We expect all WHBC residents and visitors to behave with respect to others and in a manner that doesn't interfere with the well-being of other individuals or groups who live in, work in or visit our communities. These standards apply to all, irrespective of tenure.

7.2 In addition to the general standards of behaviour, WHBC tenants and leaseholders are bound by specific terms of tenancy or lease agreements. Conditions relating to behaviour may vary across agreements, but all our tenants and leaseholders are responsible for the behaviour of themselves, household members, visitors and pets, regardless of whether they have given permission for them to act inappropriately.

8 Cross-tenure working

8.1 In some cases there may also be another agency better placed to take action against a non-tenant. For example, if the non-tenant is a tenant of another registered provider or if the issues are of a criminal nature. We will support action where appropriate and may assist in gathering and providing evidence.

8.2 We deal with matters of ASB as a local authority and statutory member of the 'safer stronger' Community Safety Partnership as well as a provider of housing. We will therefore take action against non-tenants where their behaviour is affecting others living in the community.

9 Taking Action

9.1 We have a range of responses available to tackle ASB. We will usually adopt an incremental response but will take whatever action is proportionate to the issue, considering seriousness and risk. All action will be taken in consideration of the Corporate Enforcement Policy and we will assess what is proportionate based on a number of additional factors including, but not limited to:

- Seriousness
- Persistency
- Harm caused to the victim or community
- Vulnerability
- Whether the perpetrator is co-operating
- Whether previous action has been taken and how effective it was

9.2 Our preference is to try and prevent ASB from occurring and we will try to achieve this by:

- Assessing information available at pre-tenancy stage to offer the most appropriate property to their needs as well as ensuring the necessary support is in place when they move in.
- A clear sign up process which provides our tenants will full details of their responsibilities and the consequence on their tenancy should they not comply.

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- Using our 'safer stronger' Community Safety Partnership to share information with local partners to identify areas of high risk and target resources appropriately.
 - Publish a Community Safety Action Plan encompassing a range of initiatives to engage, educate, communicate and support our communities.

9.3 Where behaviour is minor we will encourage parties to find a resolution themselves as formal intervention by us can escalate issues and cause unnecessary tension between parties. We encourage people to talk informally or may suggest mediation. Where we do intervene we have a number of options, including but not limited to:

- Verbal warnings
- Warning letters
- Meetings
- Acceptable Behaviour Agreements
- Support referrals
- Mediation
- Community Protection Notice Warnings

9.4 Where we have cases of ASB that require legal action we will consider all options available to us and decide the most appropriate, including:

- Civil Injunctions including Youth Injunctions
- Criminal Behaviour Orders
- Community Protection Notices
- Fixed Penalty Notices
- Discretionary and Mandatory Possession and Suspended Possession orders
- Public Spaces Protection Orders
- Closure Orders

9.5 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 the Human Rights Act 1998 and Equality Act 2010.

9.6 If we decide there is no reasonable action that can be taken to deal with an issue reported to us then we will inform the complainant and provide an explanation as to why this is the case. We will also close a case where there is no evidence to progress it and no further action can reasonably be taken.

9.7 Where complaints persist after we have explained that the issue cannot be dealt with via our ASB policy, we may consider how we take action to address this. Repeated calls may suggest a vulnerability that we could offer support for or complaints may be malicious and have an unreasonable demand on resources. Should this be the case we may consider action in line with our Vexatious and Persistent Behaviour Policy.

10 Victim and Witness Support

10.1 We understand that victims of ASB may be vulnerable for a number of reasons and that a person's vulnerability may change during the course of a case. A risk assessment will therefore be carried out at the initial stages and then reviewed as necessary or if the risk level increases.

10.2 We will participate in local multi-agency arrangements for safeguarding where appropriate for us to do so.

10.3 Suffering from ASB and hate crime is an unpleasant experience whether there are vulnerabilities or not and therefore we offer all complainants a level of support appropriate to their needs and the circumstances of the case. This may include:

- Offering a variety of channels through which to report ASB and hate crime
- Managing expectations fairly and early in the case
- Ensuring the complainant has a point of contact
- Agreeing a realistic action plan
- Conducting regular case reviews

10.4 Where we identify safety concerns we will work with partners to provide additional security measures such as visits from officers, additional locks or security lighting and personal alarms.

10.5 Where legal action is required and witness evidence is necessary, we will support the witness through the court process with pre-court visits, practical advice on etiquette of court and reasonable travel and childcare expenses.

11 Working with Perpetrators

- 11.1 Whilst we do not allow perpetrators to use vulnerability as an excuse for their behaviour, we do recognise that vulnerabilities can exacerbate ASB issues and that offering support can be beneficial to all parties.
- 11.2 Perpetrators can be vulnerable for a range of reasons including mental and or physical health, substance dependency, etc. Our officers will consider the needs of a perpetrator at all stages of a case and offer support or referrals where necessary and available.
- 11.3 The following principles will apply where the perpetrator has support needs:
- The needs of the victim/s should be at the forefront of the case.
 - Support will not delay necessary action and a twin-tracked approach of enforcement and support will be followed.
 - A perpetrators refusal to engage with support will not delay action to protect the victim/s.

12 Working in Partnership

- 12.1 Partnership working is essential to successful resolution of ASB and we will work with a variety of agencies including statutory, non-statutory and voluntary sector organisations.
- 12.2 Recognising that some ASB cannot be managed by one agency alone, we will attend regular partnership meetings to enable the exchange of information between key community partners.

13 Information Sharing

- 13.1 We are 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 lawfully share information for the purpose of preventing, detecting and tackling ASB and crime. We will comply with the relevant data protection legislation when doing so.
- 13.2 When we share information we will ensure that the transfer of information is done safely, stored appropriately and is not shared with a third party without permission unless there is a legal basis for doing so.
- 13.3 When we receive Freedom of Information or Subject Access Requests we will deal with these lawfully and within the guidance from the Information Commissioner's Office.

14 Confidentiality

- 14.1 Where a complainant requests that we keep their identity confidential it may impact on our ability to take action. Only in the most serious cases can we take action without informing the perpetrator of the details of the report against them. Often the nature of the report, especially if it is personal ASB, will make clear to them who made the complaint. We will discuss with complainants how we can support them if fearful of repercussion.
- 14.2 Anonymous reports are often difficult to deal with, especially when information provided is limited. We will assess how serious the report is before we decide whether we can investigate it. This may include speaking to partners, such as the Police, to establish whether they have further information that we can act upon.

15 Review of Decision and Complaints

- 15.1 Any tenant who is not satisfied with the manner in which WHBC or its contractor(s) has delivered the service they have received regarding ASB has the right to have their case investigated.
- 15.2 Residents should follow WHBC's Complaint Policy if they wish to make a complaint about service standards.
- 15.3 Victims of ASB also have the right to request a case review by using the Community Trigger. This is a process whereby the Community Safety Partnership reviews complaints of ASB and the actions taken and where the victim perceives no action has been taken or has been unsuccessful.

16 Monitoring

- 16.1 We are committed to operating a successful and responsive ASB service and performance will be reported via Operational Management Team meetings.
- 16.2 We will monitor satisfaction via service user feedback and use this information to improve the quality of our service.
- 16.3 We will monitor our response times, actions taken and how long a case has remained open to identify trends and improve our performance.

17 Equality and Diversity

- 17.1 The council will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 17.2 We are committed to helping customers to access information about their homes and services in a way that suits individual needs.

17.3 We will meet the requirements relating to equality and diversity laid down in the Equality Act 2010 by working to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity and
- Foster good relations between all of our residents, service users and staff.

17.4 The council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination. We will not discriminate against staff, customers or others based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age (collectively referred to as protected characteristics in the Equality Act 2010).

17.5 The council aims to provide homes and services that meet the diverse needs of customers. We believe that all customers should be able to access housing, support and care services with the same ease and that the quality of our service is the same high standard for all.

Related Documents

Document	Link
Connected Policies:	Domestic Abuse Policy Safeguarding Adults at Risk Policy Safeguarding Children Policy Vexatious and Persistent Behaviour Policy Complaints Policy Corporate Enforcement Policy Domestic Noise Procedure Commercial Noise procedure
Forms and Letters:	Risk Assessment Proportionality Statement Decision Making Log
Leaflets:	

Version history

Version no.	1	Date effective:	July 2019
Full / partial review?	Full		
Brief summary of changes:	Definition of ASB Updated legislation and standards		

	<p>Updated types of ASB and response times Taken out 'case management' as this will be dealt with by way of procedure Updated tools and powers Branding update</p>
Staff consultation (teams):	<p>Neighbourhood & Enforcement Community Safety Partnership Public Health and Protection ASB Team</p>
Resident consultation:	<p>Tenant Panel – Nov 2018</p>
Approved By Cabinet	<p>9th July 2019</p>
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