

## Antisocial Behaviour (ASB) Policy

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| <b>Version</b> (e.g. first draft, final report):                                | Final  |
| <b>Applies to:</b>  | <p>This document applies to all staff working for either Eastbourne Borough Council (working in Partnership with Eastbourne Homes Limited) or Lewes District Council.</p> <p>It applies to all tenants and shared ownership residents living in general needs and retirement accommodation managed by Homes First.</p> |
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| <b>Consultation:</b>  | <p>Tenants and residents have been involved in the formulation of this policy through a survey consultation process and resident groups.</p> <p>Consultation has involved the Council's Legal Services, Neighbourhood Housing Team, Retirement Housing Team and Temporary Accommodation Team.</p>                      |
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## **1.0 Our Responsibilities**

LDC and EBC has a wide range of responsibilities, which arise from three distinct roles, in dealing with ASB:

## **2.0 Scope**

This policy describes *why* there is a role for Lewes District Council (LDC) and Eastbourne Borough Council (EBC) to deal with Antisocial Behaviour (ASB) and is intended to fulfil the requirements of the Housing Act 1996 and Housing Act 1985 with regards to the publication of the policies and procedures of a local housing authority in relation to ASB. It tells you what ASB is and sets out the guiding principles for Homes First officers, being the team delivering housing management services, property services and homelessness on behalf of LDC and EBC, and therefore who deal with ASB. It says what we want our services to achieve for people experiencing ASB, and sets out the principles on the kind of service level and quality we aim to provide. This document does not say how we will deal with ASB on a day-to-day basis; this is covered in our procedures document.

## **3.0 Our role as a social landlord**

As a landlord, we have a duty, under the Antisocial Behaviour Act 2003 (Section 12 amends Part 8 of the Housing Act 1996 by inserting section 218A in response to ASB) to respond to ASB affecting residents in the properties we manage or others affected by the actions of our tenants. Our landlord duties and powers are different from, and usually act in addition to, the duties and powers we have to deal with ASB in the wider community. In this document (and the Procedures document) we will make it clear when a policy or a power applies only to Council tenancies. We now have a range of powers to take action against those causing ASB under the Anti-social Behaviour, Crime and Policing Act 2014. We will use these powers where appropriate to tackle the ASB and to support the sustainment of tenancies

## **4.0 Our role as a statutory member of the Lewes and Eastbourne Community Safety Partnership**

We will work with the police and other agencies to reduce crime and disorder (including antisocial and other behaviour adversely affecting the local environment) in Lewes and Eastbourne. In this role we play a key part in dealing with ASB of all kinds and also undertake project and preventative work as part of the each councils Community Safety Partnership

## **5.0 Our role in protecting the environment**

Lewes and Eastbourne Council have a range of responsibilities to deal with environmental ASB: examples include noise, graffiti, litter, fly tipping and abandoned cars. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act 1990.

Whilst these three are distinct roles, there are very strong links between them and close working arrangements have been developed and continue between the teams that deliver the various services. However, the policies described in this document mainly concern our role as a social landlord and so tend to say more about the work of our Homes First Team. Environmental ASB is tackled by other teams within the Council, who work to their own set of policies and procedures.

## **6.0 What is antisocial behaviour?**

Antisocial behaviour (ASB) is defined, under Section 2 (1) of the Antisocial Behaviour, Crime and Policing Act 2014 (ASBCPA), as conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. This is the generally accepted term. ASB is further defined, under ASBCPA, as follows:

- For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: “*conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises*”;
- For the purposes of the housing management functions of a housing provider or local authority: “*conduct capable of causing housing-related nuisance or annoyance to any person*”
- For the purposes of ASB case reviews (the Community trigger): “*behaviour causing harassment, alarm or distress to members or any member of the public*”.

The Council does not regard the following types of behaviours as ASB and therefore will not use enforcement powers against:

- Parking issues outside your home
- Disputes between neighbours, for example over boundaries or shared driveways
- Day-to-day noise, for example from washing machines, toilets flushing, vacuum cleaners.
- Neighbours’ gardening or lawn-mowing
- DIY or car repairs (unless they are being done late at night or as part of an illegitimate business)
- ball games, children playing in public or communal areas, or youths gathering socially (unless they are causing a nuisance)
- Barbecues, cooking smells, babies crying
- The hours people keep or other lifestyle differences.

We will work to manage residents’ expectations in regard to behaviour that is not deemed ASB. We will offer advice and guidance to encourage and enable them to deal with or manage the situation themselves.

## **7.0 Council’s principles**

Our policy is based upon a number of principles:

### **7.1 No one should have to experience antisocial behaviour (ASB)**

- We will raise awareness of ASB and encourage people to report.
- We will publicise and promote the various services we provide to combat ASB.
- We will encourage people to report ASB and make it possible for them to do this using a range of reporting methods.
- We will seek to respond to each report of ASB as quickly as possible and, in any case, within our target (detailed in our procedure).
- We will support victims of ASB to the extent that the seriousness of the matter requires.

### **7.2 Incidents of ASB will be treated seriously and dealt with professionally**

- We will assess (and periodically reassess) the seriousness of ASB reported to us and take action according to risk and target times.
- We will treat all reports as confidential, sharing information only with other organisations that assist us throughout the management of a case (for example, the police and health care professionals) and observing data protection laws and information sharing agreements.
- We will ensure that any criminal ASB reported to us is quickly passed on to the correct agency (the police); We will register each report of ASB we receive and give it a unique reference number.

- We will appoint a named officer to lead on and investigate the incident, where appropriate.
- We will explain our reasons, should we choose to take no further action on a report of ASB, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this; We will continue to treat all reports as live until, in the opinion of the lead officer and the lead officer's manager, they can be closed, and the complainant notified.
- We will respond promptly to complaints about our service and advise anyone not satisfied with the way in which their report was handled as to how to make a formal complaint; and We will provide a mechanism for victims of antisocial behaviour (ASB) to ask for a review of their case where they feel that either no action or inadequate action has taken place to tackle the reported problem, using the Community Trigger process. This process will instigate a review by the involved agencies of their multi-agency response to your reports. In order to start this process you need to have reported three separate incidents (within a month of their occurrence) within the past six months to the police or the council (you must apply within six months of the latest incident). The details of how to instigate this process can be found on the Councils website.

### **7.3 ASB will be dealt with fairly and proportionately**

- We will deal with the most serious reports of ASB as a matter of urgency, especially where vulnerable people are involved, either as the complainant or the perpetrator.
- We will use all available and appropriate powers to address and resolve ASB.
- We will, with the consent of the people involved, refer suitable cases to mediation.

### **7.4 Working with other agencies to deliver an effective, value for money service across the community**

- We will play a full part as a key member of the Lewes and Eastbourne Community Safety Partnership.
- We will participate in permanent or ad-hoc multi-agency groups dealing with specific ASB issues relating to Homes First Neighbourhoods (for example, problems involving street-based youth ASB); and
- we will work with agencies, such as Health, Probation, Youth Offending Service, Social Services, Education, Fire Service and other social housing providers in specific areas.
- We recognise a joint approach is an essential part in managing ASB successfully and are committed to working in collaboration with our partner agencies.

### **7.5 Providing a high-quality service that meets people's identified needs**

- We will ensure that staff dealing with ASB are qualified and trained, and understand, and follow, agreed policies and procedures.
- We will continually review our complaints feedback relating to the ASB service and use the information to drive service improvement.
- We will review this policy and the associated procedures every two years.
- We will seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need, sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.
- The Councils use introductory tenancies (issued where tenants have not had a social tenancy previously). This tenancy is for a probationary period for the first 12 months. Introductory tenants have fewer rights than secure tenants. This enables us to closely monitor the tenancy over the first 12 months and engage with tenants early to sustain tenancies and avoid eviction where possible.

## 8.0 Protecting our Colleagues and/or contractors

- We will not tolerate abuse or threats towards our colleagues and/or contractors.
- We may take legal action against customers and/or other members of the community who assault, threaten to harm or who verbally abuse our internal or external colleagues and/or contractors.

## 9.0 Data Protection

- We will maintain appropriate records of anti-social behaviour, harassment and intimidation. All information is confidential and not released to a third party unless either agreed by the people concerned or under the terms of the data exchange/sharing protocols and agreements.
- We may publish case resolutions in the media where information has already been made available in the public domain. We may do this to encourage other witnesses and victims to come forward in other cases and also where it may act as a deterrent.

## 10.0 Equalities Act 2010

- Home First policies are developed in line with the Councils [Equality and Diversity policy](#) approach.
- An ASB Equality Impact Assessment will be used in all cases where we believe or it has been raised to us that a party could have a discrimination defence under the Equalities Act 2010. This is used to ensure that actions taken are proportionate and reasonable and do not discriminate against disadvantaged or vulnerable people.

## 11.0 Privacy Statement

Information about how the council uses your personal information and your rights can be found on the council's website under the 'Privacy Notices for our range of services' tab here.

## 12.0 Complaints

Tenants have the right of appeal against any decisions made. Appeals should be made to a senior manager.

All complaints about the service will be managed under the Council's [Complaints Policy](#).

## 13.0 Monitoring and Accountability

The Homes First management team will oversee the consistent and fair implementation of this policy and will consult with colleagues (e.g. compliance, Health and Safety, Equality and Diversity) to ensure timely and accurate updates of the policy. Performance information will be provided on request to Residence's Voice, Tenants of Lewes District (TOLD) and the Eastbourne Homes Limited (EHL) Board.

## 14.0 Review

We will carry out a fundamental review of this policy every three years or sooner, subject to legal, regulatory changes or if internal changes necessitate.