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Anti-Social Behaviour  
Policy

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August 2017

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Tenant Services

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## **1. Anti Social Behaviour Policy:**

The Council will not tolerate Anti Social Behaviour (ASB) and has a legal duty to respond and resolve any defined Anti Social Behaviour which permeates from Council property or on estates which are managed and owned by the Council.

The Council recognises if Anti Social Behaviour is not dealt with quickly or permanently it can have a significant impact on the lives of our Tenants, Leaseholders, Shared Owners (the customers) and the wider community. The council will actively seek a living and working environment that is free from any form of intimidation, harassment, discrimination, hate crime or victimisation

The Council will manage ASB by:

- Making use of its legal and non legal powers to deal with Anti Social Behaviour
- Participating in joint and cross tenancy working with partner agencies
- Placing the victims and witnesses at the centre of its procedures, ensuring they are suitably supported.

This Policy also applies where staff, customer representatives, contractors, partners or agents are subjected to abusive, threatening or intimidating behaviour (including hate behaviour) whilst working or acting on behalf of the Council.

## **2. Purpose of the Anti Social Behaviour Policy:**

1.1 The Council aims to ensure that its Tenants, Leaseholders and Shared Owners live peacefully in their homes, sustained communities and estates.

1.2 This policy will ensure that the Council offers relevant support and advice to Tenants, Shared Owners and Leaseholders, enabling them to understand their responsibilities regarding acceptable behaviour relating to themselves, their household and their visitors

1.3 The policy will ensure that the Council offers appropriate levels of support to victims of Anti Social Behaviour.

## **3. Translation Statement**

If you have any difficulties reading this information or need further assistance understanding our processes please visit our website on [www.stroud.gov.uk](http://www.stroud.gov.uk).

We can produce document in a variety of formats. All you need to do is let us know what you need and we will try to assist you.

The Head of Housing Services will be responsible for the overall implementation of the Anti Social Behaviour Policy.

#### **4. What is Anti Social Behaviour:**

##### **The Council's Definition of ASB:**

Anti Social Behaviour can cover a wide range of behaviours and activities. The Council takes the view that Anti Social Behaviour are acts which interfere with a customer's peace, enjoyment and comfort. Including acts which cause a nuisance, annoyance, disturbance, harassment and or violence of one or more persons; this will include members of the same household and or their visitors including the locality of the property.

We define ASB in two categories – Serious or Minor

The following behaviours are examples of high risk forms of anti social behaviour:

- Threat to life
- Assault
- Hate crime
- Safeguarding matters including child neglect

The following behaviours are examples of general forms of anti social behaviour:

- Graffiti and other forms of vandalism and damage
- Animal nuisance (fouling, pets out of control)
- Fly tipping
- Littering

*The above is not an exhaustive list.*

High risk ASB; contact will be made with the complainant and perpetrator within 24 hours or the next working day if the incident is reported on a Friday or a Bank Holiday.

All other ASB; contact will be made with the complainant and perpetrator within 5 working days.

*The Council will determine if an ASB activity is occurring working closely with the complainant; advising how the ASB can be resolved. If at any stage of investigating the ASB complaint, the complainant rejects the options being given to resolve this matter, the ASB case may be closed.*

*Please note when general ASB is being reported, the Council will assess each complaint and work with the customer to establish a common sense solution.*

## **5. Activity - Which is not ASB**

There are certain activities which the Council does not class as ASB, this is likely to include:

- Cooking smells
- The use of unallocated parking spaces
- Every day living noises
- Home improvements being carried out at reasonable time of the day at a reasonable period of time
- Children playing in their home or garden at reasonable times of the day
- Normal vehicle noises
- Babies crying
- Dogs barking intermittently.

*Please note the Council will expect the customer to speak with their neighbour(s) on such matters in the first instance before making contact with Tenant Services, as these types of activity will not be investigated as ASB.*

## **6. The Customer's Obligation:**

The customers must comply with the terms of their contractual agreements and show due consideration to their neighbours. The customers, their household members and their visitors must not commit or allow the committing of any acts of ASB.

Where minor disputes exist between neighbours, as a general rule the Council would not intervene; The Council recognises that neighbours do not necessarily get on with each other but the expectation is, these relationships should be managed between the parties concerned.

The exception to this is where the issue is more serious, which can be classified as ASB and there is a definite victim and perpetrator.

## **7. Reporting anti social behaviour**

Victims and witnesses to acts of anti social behaviour committed on our estates can report it to us:

- in person at our Ebley Mill office
- in person by speaking to a member of staff over the telephone
- in writing by:
  - letter
  - e-mail
  - sms (text) message

- Reporting through the Council's website

## **8. Assessing ASB:**

The Council will carry out a full assessment to determine whether an activity is ASB; this means tabulating behaviour, the impact of the behaviour and harm caused to the victim.

The Council will:

- listen to and record every report of defined ASB
- provide an action plan to every victim of defined ASB
- provide regular updates to victims on case management
- try and resolve ASB in an expedient manner.

The Council is committed to using a wide range of measures to prevent and combat ASB by:

- The Tenancy Agreement which prohibits ASB
- Fully explaining the Tenancy Agreement to our new tenants using plain English
- Using a wide range of measures to address ASB including, mediation, referrals to a specialist support agencies informal interviews, formal warnings, Acceptable Behaviour Contracts
- Using legal remedies including injunctions and possession.

## **9. Working with Vulnerable Customers:**

When vulnerable customers are identified, there will be a coordinated multi agency framework of support (if required) approach, which will be considered and given.

Where the support can not be given by the Council, a multi agency meeting will be organised to discuss the case with the relevant partnering agencies with the outcome for the right level of support to be offered.

Where support is rejected by either the victim or the perpetrator the ASB case will be reviewed to assess whether the case should be continued or an alternative action is required.

The Council will provide accessible information about how to report incidents of ASB and the level of service the Council's customers can expect in return.

*It is important that the complainant or perpetrator gives the Council honest and up to date information about their health and wellbeing to allow Tenant Services to offer the most appropriate support package.*

## **10. ASB Investigation**

Every case of ASB received by the Council will be properly risk assessed and reasonable and proportionate action taken. The level of action taken will depend on the degree of severity of the ASB and the risk this poses to the victim and to the wider community.

There are three stages of action which will be considered, preventative, informal and the more formal legal action. At each part of these stages the perpetrator will always be given the option to cease the behaviour which is causing ASB.

The cost of pursuing legal action, the Council will always make a request to the courts to award these against the perpetrator for payment.

If possession action is successful, the Council is not obliged to re-house the evicted parties as these individuals will be categorised as making themselves intentionally homeless. If these individuals approach the Council for assistance for re-housing advice, the appropriate support will be given.

ASB investigations and the subsequent actions will be delivered within a framework of non legal and legal actions.

The Council will consider the needs of both the victim and perpetrator at all stages of the ASB investigation.

## **11. Supporting Witnesses and Complainants:**

The Council recognises the appropriate support given to witnesses and complainants is crucial to carrying out a high quality investigation with the right outcome, which is to stop the ASB and where applicable, the Council learn from the experience.

To be able to do this the Council will:

- Manage the ASB in line with its Service standard and policy
- Ensure witnesses and complainants are involved in managing the ASB
- Keep the witnesses and complainants updated on the progress of their case
- Arrange suitable support where required
- Suitable support is given before and at court with any reasonable out of pocket expenses being reimbursed
- Offer where appropriate practical measures to ensure the safety of the witnesses and complainants either within their home or mobile solutions

## **12. Multi Landlord Estates:**

The Council will work in partnership with other landlords if the perpetrator is not a direct customer of the Council. In these cases it may not be the Council who will lead the investigation of ASB.

## **13. Partnership working**

1.1 The Council will work with a wide variety of partners for support, consultation and action on ASB issues. Partners will support the Council in deciding the most appropriate course of action in protecting victims against ASB

## **14. Closing the Case:**

An ASB case will be closed for the following reasons:

- An investigation has been conducted and the appropriate actions have been taken with no further incidents having occurred over a given period of time.
- Unavailability of sufficient evidence to investigate the ASB
- The complainant has failed to produce sufficient details for the ASB case to be progressed.
- The complainant withdraws their complaint however depending on the seriousness of the ASB case being investigated; the case may still be progressed without the complainant's involvement.

When an ASB case requires closing, the complainant will be consulted and be advised of the reasons for the closure.

## **15. Community Trigger**

- 1.1 A Community Trigger is a statutory requirement (ASB, Crime & Policing Act 2014) designed to provide an opportunity for victims of ASB to have their case independently reviewed. The Council has agreed to transfer the responsibility for the management of the Community Trigger to Restorative Gloucestershire
- 2.3 Victims can activate the Community Trigger and instigate the Council's complaints procedure simultaneously.
- 2.4 The Community Trigger process is outlined in detail within the Gloucestershire Restorative Justice web site [www.restorativegloucestershire.co.uk](http://www.restorativegloucestershire.co.uk)

## **16. Data Sharing**

The power available under the Crime and Disorder Acts and the Data Protection Act allows the Council to exchange information for the detection and prevention of crime and ASB. Any data sharing with a third party will be conducted within the parameters of shared signed protocols.

Whilst sharing data, the Council will be compliant with all legal aspects governing this activity.

The Council recognises Information is an asset and as such is subject to multiple threats, for example, human error, malicious software, physical threats, unauthorised access, IT failures and computer misuse. We must ensure that our security arrangements mitigate these threats to ensure that individuals, communities and the Council do not unduly suffer.

## **17. Confidentiality:**

Any information supplied to the Council to assist in the investigation of ASB will be taken in confidence and will only be shared to the appropriate relevant parties. The complainant will always be advised on how the information or detail they have supplied will be used in resolving the ASB.

## **18. Publicity**

The Council will ensure the wider community is made aware of the successful resolution(s) on the work to prevent and tackle ASB through effective publicity.

The council will make sure its customers understand what ASB is and how incidents of this can be reported; further information on this is, available on the Council's website. [www.stroud.gov.uk](http://www.stroud.gov.uk).

The Council will decide where to publicise this information on a case by case basis, balancing the rights of the individual(s) and those of the community.

## **19. Staff:**

The Council will not accept abusive behaviour or language against staff or its contractors whilst investigating ASB. The appropriate action will be taken if this occurs.

In the management of ASB the Council's staff will be appropriately trained to identify and investigate ASB reported cases; staff will be able to cope with sensitive and difficult circumstances. Regular training will be given to ensure staff are kept up to date with best practice, including safeguarding for both adults and children.

## **20. Part 10 Reviews**

- 1.1 This policy will be reviewed by the Council every five years unless there is a change in legislation or regulation.
- 1.2 Where there has been a change in legislation which has an impact on the policy, the policy will be reviewed within 3 months of the legislation or regulation coming into effect.