

## ASB Policy

### Version control

Avoid referring to printed versions of this document. Printed versions may be out of date.

<b>Owner/responsibility for compliance</b>		Head of Housing Customer Services	
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1.1	17 July 2024	Cabinet	New policy

## 1 Introduction

- 1.1 This policy is to support the Council in its function as a landlord to provide effective housing management.
- 1.2 This policy outlines the Council's approach to reports and incidents of anti-social behaviour (ASB) in relation to its housing management function.
- 1.3 Preventing and tackling ASB is a priority for Swindon Borough Council. We will put victims at the heart of our services, ensuring they feel safe and secure in their homes and neighbourhoods. The Council understands the detrimental effect ASB can have on tenants, family members and their communities.
- 1.4 In developing this policy residents' and partnering agencies' views and feedback have been considered. An Equalities Impact Assessment has been carried out.

## 2 Aims/objectives

- 2.1 The aim of this policy is to enable tenants, their visitors, colleagues, people working on our behalf and other members of the local community, including businesses to undertake their lawful activities without harm to the individual, their community, home, business or to their environment.
- 2.2 The Council aims to do this by:
  - reducing ASB.
  - mitigating the impact of ASB on residents' lives.
  - helping residents to sustain their tenancies.
  - promoting safe communities.
- 2.3 When ASB occurs, the Council will take prompt action to help resolve the situation; the response will focus on prevention, enforcement and/or support depending on the circumstances.

- 2.4 Under the Anti-social Behaviour Act 2003 landlords have a duty to respond to ASB affecting our residents and the surrounding communities. The Anti-social Behaviour, Crime and Policing Act 2014 provides a range of powers we can, and will, utilise in order to prevent people causing ASB.
- 2.5 Swindon Borough Council is committed to developing trauma informed ways of working. Trauma-informed organisations assume that people have had traumatic experiences, and as a result may find it difficult to feel safe within services and to develop trusting relationships with service providers. Consequently, services are structured, organised and delivered in ways that promote safety and trust, and aim to prevent re-traumatisation.
- 2.6 The Council recognises that effective delivery of this policy relies on the development of good relationships between our housing colleagues, tenants and the wider community.

### **3 Definitions**

- 3.1 ASB is defined in section 2 of the ASB Crime and Policing Act 2014 in several ways:
- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
  - Conduct capable of causing nuisance or annoyance to any person in relation to that person's occupation of residential premises, or
  - Conduct capable of causing housing-related nuisance or annoyance to any person.
- It is also useful to be aware of the definition in Part 4 of the Act:
- The conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of those in the locality, and
  - The conduct is unreasonable.

**Harassment:** is the act of systematic and/or continued, unwanted and annoying actions of one party or a group, including threats or demands. It can include a range of behaviours such as threats, verbal abuse, written abuse including via social media, damage to property, violent behaviour, stalking and behaviour causing or intended to cause alarm or distress.

**Hate incidents:** are where the incident is motivated by hostility or prejudice towards the victim's disability, race, religion, sexual orientation or transgender identity.

**Domestic abuse:** is defined by the Domestic Abuse Act 2021 as an incident or pattern of incidents where someone's behaviour towards another is abusive, and where the people involved are aged 16 or over and, or have been, personally connected to each other. The abuse can involve, but is not limited to psychological, physical, sexual, financial, emotional, violent, threatening, controlling or coercive behaviour.

## **4 Scope**

- 4.1 This policy applies to all tenancies granted by the Council, leaseholders, Council licensees, including licensees in temporary accommodation, persons in 'use and occupation' of a Council residential property, and families of tenants and other occupants.

## **5 Approach**

- 5.1 The Council has adopted a series of principles to underpin our approach to ASB: The Council will:

- Not tolerate ASB.
- Recognise the impact of ASB on the quality of life of individuals, families, and communities.
- Use a combination of 'ASB tools' and powers and accountability to our tenancy conditions to tackle ASB.
- Take a partnership approach (working collaboratively with other safer communities' partners to tackle ASB and support those involved).
- Take a victim centred approach (focusing on ensuring their safety, rights, wellbeing, expressed needs and choices, when responding to ASB, and taking the victims views into consideration when deciding what action to take.)
- Take an evidence-based approach (the Council must be able to evidence that ASB is occurring before we can begin to deal with it. If there is no evidence that ASB has occurred, the Council will work with victims to enable and empower them to build evidence whilst ensuring they are supported with the impact that any ASB maybe having on them).
- Promote and support trauma-based practice (recognising and understanding the impact that trauma and adversity has had on adults and children and considering ways to respond that promotes positive relational experiences when certain emotions or behaviours are displayed).
- Aim to respond to complaints of ASB swiftly.
- Keep victims and witnesses informed using their preferred method of contact.
- Take proportionate action against perpetrators.
- Work to identify wider issues and support needs affecting perpetrators and intervene / signpost / refer into services who can provide support.
- Encourage, empower, and support individuals and communities who are affected by ASB.
- Invest in long-term solutions to tackling the causes of ASB because we want to prevent ASB occurring in the first instance.

## **6 Prevention**

- 6.1 The Council aims to prevent ASB from occurring and use the resources available to achieve this.
- 6.2 Tenancy agreements and leases include clauses which require those signing them, as well as people residing in or visiting the property, to act in a reasonable and considerate way. These clauses place the onus on tenants for the behaviour of their families, people living with them, and other visitors. The Council may take enforcement action which may lead to eviction or the termination of their tenancy if the clauses are not kept to.
- 6.3 Where the Council wants to minimise the risk of harm to an individual or community, we may introduce preventative measures in line with the Allocations Policy. This may include restricting lettings of Council homes to particular groups of people or refusing to accommodate a person who has applied for housing and been nominated.
- 6.4 The Council may refuse to accommodate a person if there is evidence that they have caused or are likely to cause ASB and there is insufficient evidence to suggest that they will be able to successfully sustain a tenancy.
- 6.5 Before a new tenant moves into their home, the Council will explain their rights and responsibilities. The Council will offer most new tenants an introductory tenancy in accordance with our Tenure Policy to ensure they can demonstrate their ability to sustain their tenancy.
- 6.6 The Council will take an active role in local crime and disorder partnerships and other local multi-agency groups and initiatives.
- 6.7 The Council will encourage members of the local community to prevent and resolve ASB and other community tensions. We will support diversionary activities where we believe these will reduce the likelihood of ASB occurring.

## **7 Support**

- 7.1 If the ASB is caused by someone who is not one of our tenants and one of our tenants is the victim, the Council will work with other agencies to share information and support our tenant.
- 7.2 Some perpetrators may be vulnerable and will need help and support to enable them to sustain their tenancy. The Council will support those tenants through specialist advice and action provided directly or by signposting to the appropriate agencies.
- 7.3 The Council will not normally re-house perpetrators of serious ASB. In exceptional circumstances, the Council may re-house one of our tenants on a temporary or permanent basis where there is compelling evidence to indicate this will be beneficial and on the recommendation of statutory agencies such as the police.

## **8 Investigating and enforcement**

- 8.1 The Council will ensure that incidents of ASB can be easily reported to us using a range of communication channels.
- 8.2 At the outset we will seek to understand what the person reporting the ASB is expecting, what impact it is having and what would be a satisfactory outcome for them. This will provide us with the opportunity to have an honest conversation about a realistic outcome.
- 8.3 The Council will promptly and fairly assess whether an incident will be investigated or if it is a low-level issue which does not meet the definition of ASB.
- 8.4 We use a stepped approach of incremental case progressions that seeks to resolve the issue using the least intrusive interventions (e.g. putting the complaint to the alleged perpetrator, verbal warnings, leveraging in support with underlying issues) in the first instance followed by increasing levels of intervention (acceptable behaviour contracts, community protection warnings, formal warnings, and leveraging in supports, all the way up to court action).
- 8.5 The speed of our initial response will be determined by the nature of the ASB which is reported to us:
- Category A (within one working day): domestic abuse, harassment, intimidation, threats, hate-related incidents, and physical violence.
  - Category B (within three working days): alcohol, drug or substance-related misuse, drug dealing, garden nuisance, litter, rubbish, fly-tipping, misuse of communal area or loitering, noise, pets or animal nuisance, vandalism, damage to property and verbal abuse.
- 8.6 When the Council investigates ASB, it will gather evidence from the victim, witnesses, other agencies, our own records and, usually, the perpetrator to assess what has happened and whether a breach of tenancy has occurred.
- 8.7 Where the ASB is serious, but there is insufficient evidence to demonstrate that a breach of tenancy has occurred or the likelihood of successful court proceedings is too low, the Council may ask the victim and witnesses to gather further evidence e.g. completing a diary of incidents or using the online reporting tools which are available on our website.
- 8.8 Where there is evidence that a breach of tenancy has occurred, the Council will use the full range of approaches available to us to ensure the breach is remedied and there is no further recurrence.

- 8.9 In many cases, this will involve formally informing the perpetrator that they must modify their behaviour and that they may be at risk of losing their home if there is a recurrence. The Council may seek written assurances from them that they will modify their behaviour by asking them to sign an acceptable behaviour contract. The Council may also encourage them to seek support.
- 8.10 The Council will take legal action where it is reasonable and proportionate to do so and the evidence is sufficient and robust enough. This can include an injunction, possession proceedings to end the tenancy or lease, or the use of mandatory grounds for possession. In these cases, the Council may ask the Court for our costs to be awarded against the perpetrator.
- 8.11 The Council reserves the right not to investigate a report of ASB where it has evidence that the person reporting the incident is being unreasonable, vindictive or vexatious.

## **9 Partnership Working**

- 9.1 The Council will work collaboratively with other agencies, including the Police and other statutory and voluntary bodies to develop strong partnerships. The aim of these partnerships will be to share experience and information, and co-ordinate action to prevent or reduce ASB.
- 9.2 The Council will develop formal information sharing protocols and partnership agreements to allow us to prevent or respond quickly to ASB.
- 9.3 The Council may use information provided by other agencies to take enforcement action where appropriate e.g. details of reports of ASB or criminal convictions.
- 9.4 The Council will log all reports of ASB and any referrals to statutory bodies or other agencies and monitor the outcomes.
- 9.5 The Council will take the lead if we believe that tenancy enforcement, whether by undertaking possession proceedings or obtaining an injunction, is likely to be the most effective way to resolve the ASB.
- 9.6 The Council recognises that the police and other statutory bodies have a wide range of tools and legal powers that can tackle ASB, which are not available to us.
- 9.7 The Council will encourage the use of these tools and powers to support their actions where this is appropriate and likely to be more effective e.g. prosecuting criminal acts such as harassment and hate crimes.

## **10 Low-level issues which do not meet the threshold of ASB**

- 10.1 The Council expects a reasonable level of tolerance to exist between people and considers that most disputes should be resolved by the people involved based upon mutual understanding and without our intervention.

- 10.2 These are some of the types of behaviours we will not consider ASB:
- People going about their everyday activities e.g. children playing, undertaking DIY at reasonable times.
  - Differences in lifestyles including cultural differences, cooking smells, or shift-work.
  - Incidents which are insufficiently serious to warrant investigation or enforcement action, often involving thoughtless or inconsiderate acts e.g. staring or dropping litter.
  - Dogs barking intermittently.
  - The use of unallocated parking spaces.
  - Minor personal differences such as dirty looks or fall outs between children.
  - Putting rubbish out on the wrong day.
  - One-off or infrequent actions e.g. a party or BBQ.
- 10.3 The Council will provide information and guidance to help people find solutions including suggesting mediation if it could assist in resolving a difficult situation.
- 10.4 In some instances where the Council decides not to investigate a reported incident, it may still take actions to remedy an issue, such as clearing a communal areas of discarded drug paraphernalia or dumped rubbish.
- 10.5 The Council may investigate reports of low-level ASB if incidents are persistent and deliberate and we consider them to be, or there is a risk of them, having a harmful impact.

## **11 Monitoring and review**

- 11.1 This policy will be reviewed every two years or sooner if legislation or regulations change.

## **12 Further information**

- 12.1 Please contact Stuart Hook, Head of Housing Customer Services, [SHook1@swindon.gov.uk](mailto:SHook1@swindon.gov.uk) for information or support in relation to this policy.