



## Ongo Homes

# Anti-Social Behaviour Policy

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<u>Version No.</u>	<u>Purpose/Changes</u>	<u>Approval Date</u>	<u>Approved By</u>	<u>Suggested Review Date</u>
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V3.0	Full Review	11/12/2014	NLH Board	December 2015

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## **1. Our policy is...**

- 1.1 To make sure everyone feels safe and secure and are able to enjoy living in their home without experiencing the anti-social behaviour (ASB) of others.
- 1.2 To make clear to our tenants and visitors to their home that they are expected to be good neighbours who act reasonably and respect the different values, beliefs and lifestyles of others. Where this is not the case, we will take action to enforce the terms of their tenancy agreements or lease using tenancy support interventions and/or civil or criminal legal measures.
- 1.3 We do expect complainants and witnesses to take responsibility for their own behaviour and every person living in or visiting their property. To be considerate of others and respectful and tolerant of lifestyle choices. Where appropriate to communicate with the alleged perpetrator to resolve the issue themselves. We also expect complainants and witnesses to report allegations to relevant statutory organisations, for example if the allegation relates to a crime, then this should be reported to the police in the first instance.
- 1.4 To work in partnership with others to develop initiatives to prevent ASB, harassment and hate crime, share information and respond jointly to problems.

## **2. It applies to...**

- 2.1 All our staff (including volunteers, apprentices and people on work placements), customers and any external organisation supported or engaged by us.

## **3. Because we want to...**

- ✓ Prevent ASB, harassment or hate crime and respond effectively to all reports from our customers.
- ✓ Create good neighbourhoods that our residents are proud of and enjoy living in.
- ✓ Build and sustain communities where individuals and communities flourish and treat one another with dignity and respect.
- ✓ Intervene at the earliest stage on reports of ASB, harassment or hate crime to prevent issues escalating.

## **4. We will...**

### **4.1 Make clear what ASB, Harassment & Hate Crime is...**

- 4.1.1 The ASB, Crime and Policing Act 2014 defines ASB as:
  - Conduct that has caused or is likely to cause harassment, alarm or distress to any person;

- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- Conduct capable of causing housing-related nuisance or annoyance to any person.
- Conduct that directly or indirectly affects our housing management function as per the Housing Act 1996.

4.1.2 Harassment is not specifically defined by any one piece of legislation. It can include repeated attempts to impose unwanted communications and contacts upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

4.1.3 Hate crime are offences motivated and/or perceived by prejudice or hatred towards a person or particular group of people on the grounds of race/ethnicity, gender, religion, sexuality or disability.

4.1.4 Ongo Homes will investigate any behaviour that is likely to cause harassment, alarm or distress to a person employed by Ongo Homes in connection with the exercise of the housing management function.

#### 4.2 **Work in partnership...**

4.2.1 Partnership working is key to resolving ASB, harassment or hate crime issues. We share information and good practice with local and national agencies to jointly respond to issues and come to the best outcome for the victim and community. We work with lots of different agencies to ensure the best outcomes for our customers.

4.2.2 We will utilise the powers available to other partner agencies in the hope of resolving the issue. This may involve taking a risk based assessment and agreeing an action plan the partner agencies involved.

#### 4.3 **Provide support...**

4.3.1 We know that reporting ASB, harassment or hate crime and giving evidence can be distressing for individuals. To try and reduce the fear of reprisals from the perpetrators and to give confidence to complainants or witnesses we will use support services available to us that are appropriate to the individual and the case.

4.3.2 Support will be made available to the complainants of the ASB, harassment or hate crime throughout the investigation. This could be through us in the form of regular contacts or through signposting to other agencies to support them effectively through the investigation.

4.3.3 Where we are lacking evidence or if complainants or witnesses are too afraid to give evidence we will try, within reason, to explore other means of evidence collection to try to resolve the case, however this may limit our ability to take action.

4.3.4 We will provide support where appropriate to the perpetrator(s) to assist them in changing behaviour, which will in turn support them in sustaining their tenancies. Support could include signposting to other agencies that are best placed to assist the perpetrator in changing their behaviour. Failure to engage reasonably with any support offered will result in further action being taken.

#### **4.4 Have a toolkit of remedies...**

4.4.1 We use a number of remedies to tackle ASB, harassment or hate crime and overcome issues reoccurring. We always make sure that the options available are discussed with all parties and agree the most appropriate, effective action to take. Any action we may take will be proportionate to the type of allegation made.

4.4.2 As part of the intervention, we try to gain the co-operation from the alleged perpetrator(s) at an early stage without having to resort to legal action.

4.4.3 We will take legal action where appropriate and only after the consideration of the impact on other residents, action taken already, the individual circumstances of the perpetrator, the proportionality of taking legal action, the evidence available and the likely outcome of the legal action.

4.4.4 We will consider the Surveillance Camera Code of Practice prior to making a decision as to whether we employ CCTV for the prevention/detection of ASB, harassment or hate crime.

4.4.5 Details of the remedies available to us can be found in Appendix 1.

#### **4.5 Use the absolute ground for possession for anti-social behaviour...**

4.5.1 The ASB, Crime & Policing Act 2014 has introduced the absolute ground, available to social and private landlords, that is intended to provide a route to significantly reduce the length of the possession process for serious ASB in order to provide faster relief for victims and witnesses.

4.5.2 As a landlord, we will be able to choose to use the absolute ground, in addition to or instead of the existing discretionary ground for ASB where any of the following five conditions are met:

- the tenant, a member of the tenant's household or a person visiting the property has been convicted for a serious offence;
- the tenant, a member of the tenant's household or a person visiting the property has been found by a court to have breached an injunction to prevent anti-social behaviour;
- the tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a criminal behaviour order;
- the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour; or
- the tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a noise abatement notice or order (convictions in practice are exceptional and are likely to relate to very serious noise issues).

4.5.3 We will only use the absolute ground in extreme circumstances and where the above conditions are met. The need to use this ground will be assessed on a case by case basis and the final decision to proceed with a legal notice will be made by the Housing Manager.

4.5.4 Once notice has been served, customers have the right to request a review in line with our Tenure Policy.

#### **4.6 Manage reports of ASB, harassment or hate crime and subsequent investigations in line with our Service Standards...**

4.6.1 Not every case will be managed in exactly the same way, however we do promise to manage and respond to all reports of ASB, harassment or hate crime in an effective and efficient way in line with our Service Standards:

- We will respond to reports of racial and other harassment and hate incidents within 24 hours
- We will acknowledge all reports of anti social behaviour within 24 hours
- We will start an investigation on urgent anti social behaviour cases (risk to health and safety of a person, offensive graffiti) within 24 hours
- We will start an investigation on priority anti social behaviour cases (serious noise nuisance, fly tipping, drug and alcohol related incidents cases) within 5 working days
- We will start an investigation on routine cases (neighbour disputes, gardens, pet related incidents ) within 10 working days

- We will repair damage or vandalism resulting from harassment which affects the safety or security of a home, either the same or next working day
- We will keep in contact with customers who have reported an anti social behaviour problem at least once a month to keep them up to date

## **5. Making sure we do what we say...**

- 5.1 The Director of Communities and Head of Customer Experience are responsible for making sure this policy is implemented.
- 5.2 The Head of Customer Experience is responsible for monitoring the service and making sure it complies with the requirements of this policy.
- 5.3 All employees who are involved in receiving reports of or investigating and responding to reports of ASB, harassment or hate crime are responsible for making sure they comply with the requirements of this policy.

## **6. Other things to bear in mind...**

- 6.1 This policy also links to our:
- Domestic Abuse Policy
  - Equality, Diversity and Inclusion Policy
  - Safeguarding Vulnerable Adults & Children Policy
  - Tenancy Management Policy
  - Tenancy Agreements
  - Tenure Policy
  - Neighbourhood Management Policy
  - Lettings Policy
  - Our Service Standards
- 6.2 The main pieces of legislation and regulation relevant to this policy include:
- ASB, Crime & Policing Act 2014
  - ASB Act 2003
  - Protection from Harassment Act 1997 (as amended)
  - Housing Acts 1985 and 1996
  - Environmental Protection Act 1990
  - Human Rights Act 1998
  - Equality Act 2010
  - Crime and Disorder Act 1998

## **7. We'll look at this again...**

- 7.1 This policy will be reviewed on a 3-year review timetable. We will review it earlier if any regulatory or legislative changes occur that have an impact on this policy.

## **8. What we mean...**

<b>Reference</b>	<b>Definition</b>
Neighbourhood	This is a local area where residents relate to each other as part of a wider community.
Housing Management Function	Any service delivered by us relating to the management of tenancies or advice to tenants.
Safer Neighbourhoods	The crime and disorder reduction partnership for North Lincolnshire. It is run as a partnership between North Lincolnshire Council, emergency services and public, private and voluntary sector organisations to reduce crime, disorder and substance misuse.

**APPENDIX 1 - ASB, Crime and Policing Act 2014 –Tools Overview**

<b>Tool</b>	<b>Criteria</b>	<b>Age</b>	<b>Applicant</b>	<b>Burden of Proof</b>	<b>Content</b>	<b>Court</b>	<b>Length</b>	<b>Breach</b>
Injunction (replaces Anti Social Behaviour Injunction, Anti Social Behaviour Order, Drink Banning Order, Individual Support Order)	Behaviour linked to residential property = nuisance and annoyance  Behaviour linked to non-residential properties = harassment, alarm or distress	10 years and over	Local Authority  Police  Registered Housing provider  British Transport Police  Environment Agency  Health Authority	Balance of probabilities	Prohibitions and positive requirements  Power of Arrest and/or exclusion where threats of violence or risk of harm (physical, emotional, psychological)	County Court (over 18)  Youth Court (under 18)	As deemed reasonable for adult  12 months maximum for juveniles	Over 18 – unlimited fine or custody  Juveniles – rehabilitation or supervision order  Detention order 14 – 17 year olds
Criminal Behaviour Order (replaces CRASBO)	Convicted of offence and;  Caused harassment, alarm and distress and;	10 years and over	Police	Beyond reasonable doubt	Prohibitions and requirements	Criminal courts	Under 18 – 1 – 3 years  Over 18 – 2 years +	Fine and/or custodial sentence

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	Order needed to prevent further behaviour							
Dispersal Powers	The presence or behaviour of individual has caused harassment, alarm, distress, crime or disorder	10 years and over	Uniformed Constable or person with delegated power	Reasonable grounds	Direction to leave area  Direction to surrender item	None	Up to 48 hours	Direction to leave –  Fine and/or custodial sentence  Direction to surrender property – fine
Community Protection Notice/Community Protection Warnings	Behaviour causing continuing or persistent detrimental effect on quality of life and is unreasonable	16 years and over	Constable  Local Authority  Person with delegated powers	Reasonable grounds	Requirements and prohibitions	None	Until harm put right	Fixed Penalty Notice  Remedial order to right harm

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								Forfeiture or seizure
Public Spaces Protection Order (replaces Gating Orders, Designated Public Places Order, Dog Control Orders)	Activities in area have had detrimental effect on quality of life and are likely to occur and; the activities are continuing/persistent, unreasonable and justify restrictions being made	Not applicable	Local Authority	Reasonable grounds	Prohibits specific things; or requires specific things; or both	None	3 years	Fixed Penalty Notice  Criminal proceedings – fine only
Closure of Premises associated with nuisance or disorder	<b>Notice</b> – use of premises has, or is likely to, result in nuisance or disorder at premises or in local area linked to premises.	Not applicable	Local Authority  Police	Balance of probabilities	Order – ban all persons or certain persons  Ban during specified times and/or	Magistrates Court	Notice – up to 48 hours  Order – up to 6 months	Criminal offence to remain in or enter the property or obstruct a person in execution of these proceedings –

**APPENDIX 1 - ASB, Crime and Policing Act 2014 –Tools Overview**

(consolidate existing closure powers)	<p><b>Closure Order –</b>                  Disorderly, offensive or criminal behaviour at property; or</p> <p>Use of property resulted in serious nuisance; or Disorder near the property; and the order is necessary to prevent the behaviour from continuing, reoccurring or occurring</p>				in certain circumstances			custody, fine or both
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Source: Social Landlords Crime and Nuisance Group June 2014