



Anti-Social Behaviour Policy

For Approval

Table of Contents

1. Management Information

1. **MANAGEMENT INFORMATION**

Date Policy approved by THE COUNCIL Cabinet / Scrutiny	
Replacing / Updating	ASB Policy 2011
Next Review Date	TBC – (to include any legislative changes i.e. Renting Homes (Wales) Act 2016 implementation)
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1. Introduction

- 1.1 Purpose of the Document
- 1.2 Definition of Anti-Social Behaviour
- 1.3 General Policy Statement on Anti-Social Behaviour
- 1.4 Strategic and Legislative Context
- 1.5 Preventing Anti-Social Behaviour and Nuisance

2. Tenant and Landlord Responsibilities

- 2.1 Tenant Responsibilities
 - 2.1.1 Tenancy Agreement
 - 2.1.2 Tenancy Types
- 2.2 Landlord Responsibilities
 - 2.2.1 Approach to Dealing with Anti-Social Behaviour
 - 2.2.2 Working with Perpetrators
 - 2.2.3 Supporting Staff
 - 2.2.4 Confidentiality and Sharing Information

3. Tackling Anti-Social Behaviour

- 3.1 Reporting Anti-Social Behaviour
- 3.2 Dealing with Anti-Social Behaviour
- 3.3 Remedies to Tackle Anti-Social Behaviour
- 3.4 Hate Incidents, Harassment and Discrimination
- 3.5 Illegal Drugs
- 3.6 Assault, Violence & Threatening Behaviour
- 3.7 Neighbour & Noise Nuisance

4. Victim Centred Approach

4.1 Supporting Victims of Anti-Social Behaviour

4.2 Supporting Witnesses of Anti-Social Behaviour

5. Measuring Our Success

5.1 Performance Management

5.2 Equality and Diversity

5.3 Complaints

5.4 Data Protection

5.5 Policy Review

For Approval

1. Introduction

1.1 Purpose of the Document

Section 218A of Housing Act 1996 requires social landlords to publish a statement of policy in relation to anti-social behaviour (ASB) and procedures for dealing with occurrences of anti-social behaviour.

This document fulfils this legal requirement and is designed to give a clear statement of the approach of Flintshire County Council (the Council) as a landlord to tackle anti-social behaviour within the remit of the Housing Management Team. The Council will take a victim centered approach, taking action quickly, decisively and using a harm/risk based approach. Dealing with all matters professionally and sensitively placing a strong emphasis on early intervention and positive communication. As a landlord we may work with other agencies, such as the police to take any appropriate action.

1.2 Definition of Anti-Social Behaviour

Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:

- (a) Conduct that has caused, or is likely to cause, harassment, alarm or 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.*

For the purposes of ASB cases reviews (the community trigger) ASB is defined as behaviour causing harassment, alarm or distress to members or any member of the public.

Anti-Social Behaviour can include the following examples:

- Drug related offences
- Violence or threats of violence and actual assault
- Intimidation and harassment
- Aggressive and threatening language and behaviour
- Hate crime or behaviour
- Noise and other neighbour nuisance
- Local environmental quality issues such as fly-tipping, vandalism and graffiti
- Illegal or immoral use of residential premises.

The Council recognises that anti-social behaviour means different things to different people, and what might appear to be acceptable behaviour for one resident, may not be acceptable to another. Such behaviour may happen over a sustained and/or long period of time, making life very difficult for residents, or there might be one very serious incident of anti-social behavior which requires immediate intervention.

Not every complaint received will constitute anti-social behaviour and where this is the case no further action will be taken but advice will be given. This can be subject to review if there is a change or escalation in the circumstances.

Our approach focuses on tackling ASB that either affects or is carried out by people living within our properties and the communities we serve. This includes tenants and complainants, their family members (including children) or friends, owner-occupiers, lodgers or private tenants.

The intentions of the person/s carrying out the behavior will also be taken into account, as well as any disability and/or support needs they may have. Anti-social behaviour will not be tolerated.

Anti-Social Behaviour is not:

- Children playing in the street or local parks.
- Young people gathering socially.
- Being unable to park outside your home.
- One off parties/Celebrations , DIY works at reasonable hours etc.

1.3 General Policy Statement on Anti-Social Behaviour

Anti-social behaviour is unacceptable in our neighbourhoods and we will:

- Not tolerate anti-social behaviour by or against our tenants and their families.
- Provide guidance to our tenants around and how to report any anti-social behaviour.
- To provide a strong victim focused approach.
- Treat reports all anti-social behaviour seriously.
- Carry out a careful and thorough investigation.
- Provide realistic expectations.
- Support perpetrators to change their behaviour.
- Take appropriate relevant action at the right time.
- Work closely with other agencies and professionals where necessary.

1.4 Strategic and Legislative Context

This document is designed to meet our statutory obligations that impact on the way we deal with cases of anti-social behaviour and our duties as a Council.

Our Policy Objectives are:

- To work with the local police and other relevant agencies in sharing information to ensure most appropriate action is taken against a perpetrator.
- To work in partnership with other Registered Social Landlords and Private Landlords/tenants to resolve any issues of anti-social behaviour in our communities.
- To adopt a multi-agency approach to resolve anti-social behaviour on our estates and take a lead role in coordinating this approach.
- To ensure good working relationships with those service areas and agencies facilitating support.

1.5 Preventing Anti-Social Behaviour

We will work with other agencies in relation to diversionary measures as well as stopping anti-social behaviour, criminal and/or nuisance behaviour and preventing reoccurrence.

We will, in some cases, consider mediation, acceptable behaviour contracts, restorative justice and the use of other non-legal measures in the first instance where appropriate.

In certain cases of anti-social behaviour, for example, serious or cases which are not able to be resolved with early intervention consideration will be given to legal remedies as deemed appropriate.

2. Tenant and Landlord Responsibilities

2.1 Tenant Responsibilities

The Council's tenants are subject to the terms of the Tenancy Agreement, which sets out the behaviour expected of them, and anyone else living at or visiting the property. All tenants are provided with the Tenancy Agreement at the outset of their tenancies and the clauses relating to anti-social behaviour are explained to them.

2.2 Tenancy Agreement

The Tenancy Agreement has a number of clauses which can be relied upon when dealing with complaints of ASB, relating to tenant responsibilities and anti-social behaviour below are some examples:

Section 7 sub paragraph 3

You (or anyone living with you or visiting the property) must not act in any way which is anti-social or is likely to cause a nuisance or annoyance to any other person. Examples of nuisance include, but are not limited to:

- Throwing items from windows, balconies or walkways.
- Loud music or loud noise from a TV, radio, hi-fi or musical instruments.
- Loud arguing and shouting and frequent door slamming.
- Dog barking and fouling.
- Offensive, abusive and threatening behavior.
- Annoying car maintenance or broken down vehicles.
- Offensive intoxication.
- DIY work at unsociable hours.

Section 7 sub paragraph 4

You (or anyone living with you or visiting the property) must not commit or threaten any form of harassment against any other person. This includes harassment on the grounds of sex, gender, age, religion, race, colour, sexual orientation and disability. Examples include, but are not limited to:

- Racist behaviour or language.
- Using or threatening to use violence, including domestic violence or abuse.
- Repeatedly using abusive language.
- Damaging or threatening to damage another person's home or possession.
- Writing threatening or abusive graffiti or letters.
- Intimidation.
- Targeting abuse at someone because they have a disability, or because of a perceived or real 'difference'.

Section 7 sub paragraph 5

You (or anyone living with you or visiting the property) must not use, or allow the property and communal parts of the building to be used, for any illegal or immoral activity. Examples of such activities include but are limited to:

- Prostitution.
- Storing, producing or selling drugs.
- Storing or selling stolen goods.
- The use of dangerous weapons such as any type of gun or rifle, catapult or crossbow.
Human Trafficking.

2.3 Tenancy Types

Flintshire County Council tenants normally have two types of tenancy – introductory and secure. In some instances secure tenants may have their tenancies demoted by the courts and would therefore hold a demoted tenancy. Tenants have different rights depending on which type of tenancy they hold (our Tenancy Agreement states what those rights are). Should possession proceedings be required to bring the tenancy to an end there are a number of differences in the process utilised in order to bring these tenancy types to an end.

Introductory Tenancy

Some tenants will be subject to an introductory tenancy. Introductory tenants have fewer rights than a secure tenant, such as

- The right to mutual exchange
- The right to improve the property
- The right to an alternative landlord

Introductory tenant/s will normally become secure automatically at the end of the introductory period, provided none of the conditions contained in s.125 (5) of the Housing Act 1985 happen, possession proceedings have begun or the tenancy is extended.

To bring an introductory tenancy to an end the Council has to:

- Serve a *Notice of proceedings for Possession* on the tenant/s
- Carry out a Review of the decision if the tenant requests one, and
- Start court proceedings to end the tenancy and obtain a possession order, which is subsequently enforced.

Secure Tenancy

A secure tenant has the most rights of these tenancy types. If possession proceedings are necessary to end a secure tenancy then the Council has to consider whether to rely on mandatory or discretionary grounds, but in all cases should.

Discretionary grounds:

- Serve a *Notice of Seeking Possession* on the tenant
- The Council then has to apply to Court for possession
- Obtain a court order for possession and enforce.

Absolute/Mandatory ASB ground for possession

There is an additional option, in some cases, for the Council to pursue absolute/Mandatory grounds for possession, to do this

- Serve a *Notice for Seeking Possession on Absolute Grounds*
- Carry out a Review of the decision if the tenant requests one, and
- Obtain a court order for possession and enforce.

Demoted Tenancy

- Serve a *Notice of Possession Proceedings*
- Carry out a review of the decision if the tenant requests one
- Obtain a court order for possession and enforce

2.4 Landlord Responsibilities

Approach to Dealing with Anti-Social Behaviour

We are committed to taking a victim centered approach in tackling anti-social behavior. With an emphasis on risk assessment, early intervention and regular contact/support with victims and witnesses

Our approach will be proportionate and fair, depending on the facts of each case. For example, in appropriate cases we will consider early intervention methods such as mediation and acceptable behaviour contracts, to provide opportunities for unacceptable behaviour to be rectified.

We work closely with North Wales Police to deal with serious cases of anti-social behaviour. We share relevant information and based on evidence gathered, and in conjunction with our legal team and relevant legislation and will decide in all cases upon the most appropriate action in any given cases.

Working with Perpetrators

We recognise that vulnerable people living in the community are no more likely to cause anti-social behaviour than someone who is not vulnerable.

When dealing with perpetrators our response will depend on the nature of the offending behaviour. In many cases of there may be underlying causes such as:

- Drug addiction
- Alcohol addiction
- Mental health issues
- Learning difficulties
- Family or relationship breakdown
- Adverse Childhood Experiences [ACE's]

Individuals whose anti-social behaviour is a consequence of one or more of the issues listed above may sometimes require support in maintaining their tenancies and addressing their behaviour. When dealing with vulnerable individuals we will consider the factors which may be contributing to neighbour nuisance before deciding on an appropriate course of action.

We may refer perpetrators for support, however we may take enforcement action, including possession actions where this is proportionate and reasonable

Supporting Staff

We will provide effective and regular training and support to ensure staff are competent and confident to tackle anti-social behaviour, to include any changes to current legislation.

We will ensure relevant training and systems are in place to maintain the safety and wellbeing of staff and will not tolerate threats or violence against council employees or their agents. Where such behaviour can be proved to the satisfaction of the County Court an injunction may be obtained, consideration will also be given to alternatives such as a claim for possession in the most serious or persistent cases

Our Policy objectives and standards around supporting staff which will ensure:

- That perpetrators of verbal threats, intimidation or violence against staff may face appropriate legal action
- That staff are trained to ensure compliance with legislation and policies including health and safety and the lone working policy.
- Staff are required to report all incidents of verbal abuse, threats and assaults to the appropriate manager.
- Preventative and protective action will be taken depending on risk assessment of task or where perpetrator is known or perceived to be a risk. Risk assessments are to be maintained and updated regularly.

Partnership working

Sharing information is an integral part of dealing with anti-social behaviour. We will share information with other organisations as part of a strategy to reduce crime and disorder. We will do this in compliance with the law and with any protocols or agreements in place.

3. TACKLING ANTI-SOCIAL BEHAVIOUR

3.1 Reporting Anti-Social Behaviour

We will assist in taking action against tenants who are behaving or are affected by anti-social behaviour which can be reported to us by contacting the Housing Management Team or by contacting a Local Connects Office which are located in Mold, Buckley, Flint, Holywell or Connahs Quay this will then be directed to the relevant Neighbourhood/Tenancy Enforcement Officer.

If the anti-social behaviour also constitutes as a crime it should be reported to the police by phoning 101, or in an emergency, by phoning 999.

3.2 Dealing with Anti-Social Behaviour

When a report of anti-social behaviour is received if it requires an urgent response, for example, hate incidents, harassment, violence or criminal behaviour, the Council will aim to contact the victim within one working day. Complainants should also be encouraged to report such incidents to North Wales Police

In less serious cases the relevant Neighbourhood Housing Officer is responsible for managing cases of lower level anti-social behaviour, such as noise from visitors, animal nuisance etc. It should be noted that in cases relating to noise, the complainant may also be encouraged to report the issue to Noise Pollution, Environmental Health as they have statutory powers to deal with Noise related cases.

In instances where complaints of ASB are not able to be resolved and require a more specialist approach the case is referred to the Tenancy Enforcement Team. If there is a serious breach of anti-social behaviour such as drugs or the impact on the victim is severe then the Tenancy Enforcement Team will immediately become involved.

The Council will also:

- Treat the information you provide to us as confidential under the GDPR guidelines.
- Take all complaints seriously and investigate them thoroughly.
- Making your safety our primary focus.
- Consider how best to support you;

- Provide you with regular updates.
- Work as part of a multi-agency partnership e.g. with Police and other relevant agencies.
- Use informal and legal remedies to solve the problem.

For Approval

3.3 Remedies to Tackle Anti-Social Behaviour

We may decide to use a variety of early, informal remedies and legal remedies to resolve anti-social behaviour which can include the following listed below, (please note this is not an exhaustive list of the options available).

Mediation

Where the anti-social behaviour is low-level and there are no threats of violence, Mediation may be used to quickly resolve any issues before any escalation.

Meetings

Relevant Officers may meet with alleged perpetrators to discuss their behaviour and any other concerns this will include any actions that can be taken by the alleged perpetrator and the Officers to resolve the complaint. The Officers will gather relevant evidence and this can be helpful in resolving issues at an early stage.

Verbal Warning

A warning advises a person what behaviour is causing the issue, what effect this is having on the victim or the wider community, and the consequences of non-compliance or non-engagement.

Acceptable Behaviour Contracts

ABCs are an informal, voluntary agreement between an individual who has committed anti-social behaviour, and a local agency whose role includes protecting victims and communities from such behaviour. Such contracts can be put in place if both parties agree and can stop further escalation of anti-social behaviour.

Partnership Visits with Other Relevant Agencies

Relevant Officers may carry out visits with partners within the Council or with outside agencies, such Housing Officers and the police. These visits can stress how serious the matter is, the effect their behaviour is having on the complainant or community, and the consequences if they continue to behave in an anti-social way.

Restorative Approach

Restorative Approach focuses on resolving conflicts and supporting people to take responsibility to solve them. It encourages effective communication and working towards positive outcomes.

A Restorative Conference brings all parties of a conflict together including family and friends to talk openly about how they have been affected and what needs to happen to make things better.

CCTV for Target Hardening

Installing CCTV can be a useful tool in some cases. It can collect evidence of the anti-social behaviour, reassure the victim and can act as a preventative measure towards any further anti-social behaviour.

Formal Warning

A formal warning would clearly state which tenancy conditions have been breached, details of the breach and explain the consequences of any further breaches.

Final Warning

If the anti-social behaviour persists after a formal warning has been issued or if the situation escalates further, then a final warning may be issued, this is often the final stage before starting possession proceedings. A final warning maybe issued before any other interventions due to the severity of the anti-social behaviour.

Injunction

In certain cases and following appropriate legal advice being obtained it may be appropriate for the Council to seek an injunction to assist with resolving the issues of ASB either against the tenant or anyone else living in the area to stop them behaving in a way which causes nuisance or annoyance to other people living in or visiting the rented property or the area itself.

Demotion of Tenancy

Demoted tenancies are very similar to introductory tenancies. They give limited rights and less protection from eviction than a secure tenancy.

We have to follow the correct procedure and get a court order if we want to downgrade a tenancy in this way. We have to start by giving you a written notice, giving reasons why they are applying for a demotion order and when court action will begin (we should normally give you at least four weeks' notice).

Once it goes to court, the judge will only agree to demote your tenancy if you (or someone who lives with you, or visits you regularly) have:

- behaved antisocially or caused nuisance in the area, or
- threatened to do so, or
- used your home for illegal activities such as drug dealing.

The judge must also consider whether in all the circumstances it is reasonable to make a demotion order.

If an order is made, the demotion will normally last for one year, unless:

- the council starts possession proceedings against you during the 12 months
- you leave your home (in which case you will lose the tenancy)
- the court overturns the order (for example if the judge believes that it should not have been made in the first place)
- You die and no one is entitled to take on the tenancy

Possession Notices

Prior to starting possession proceedings the Council must serve a Notice on the tenant informing them that the Council are going to take possession action

Possession Order [Full and/or Postponed]

In possession proceedings for Council tenancies, a Judge may make the following possession orders:

- A full possession order requiring the tenant to leave the property usually within 14 days or in exceptional circumstances up to 6 weeks;
- A Postponed or suspended possession order which allows the tenant to remain in their home if they behave in accordance with the Order. If they breach the Order the Council can take action to evict them.

3.4 Hate Incidents, Harassment and Discrimination

We will not tolerate any form of hate incident. A hate incident may or may not constitute a criminal offence. A hate incident is perceived by the victim or any other person as being motivated by prejudice or hate. The prejudice may be about the victim's disability, race or ethnicity, religion or belief, age, sexual identity or transgender identity.

Incidents are not only limited to physical attacks on persons and/or damage property but also includes verbal abuse and graffiti or any other behaviour that causes distress or harm to the victim.

Where appropriate we will use legal remedies against anybody found perpetrating this types of behaviour.

3.5 Illegal Drugs

We will not tolerate any form of illegal drug activity by our tenants, anyone living with them or visiting them and will work with the Police and other agencies. Where appropriate we will use legal remedies against anybody found perpetrating these types of crime. Examples of this including growing cannabis, dealing drugs or using illegal drugs.

3.6 Violence, Assaults or Threatening Behaviour

We will not tolerate the use of threatening, abusive or violent behaviour by tenants anyone living with them or visiting them or their visitors towards their neighbours, Council staff, subcontractors, agents or the wider community. The Council will work closely with the police and other agencies and take appropriate action.

3.7 Neighbour Nuisance or Disputes

We recognise that people have different lifestyles and working patterns and that living close to others will sometimes result in noise or activity that a person may find to be annoying. Incidents – such as normal everyday noise, cooking smells as examples are not anti-social behaviour. However, we will not tolerate behaviour which does constitute ASB and will take appropriate action.

4. Victim Centred Approach

4.1 Supporting Victims of Anti-Social Behaviour

We will ensure that it is easy to report anti-social behaviour. We will provide support, where appropriate, to complainants, victims or witnesses. The Council has a strong tenant centred approach and will work with other agencies and professionals that may be able to help when dealing with any problems and if considered necessary offer any appropriate support.

All reports will be dealt with sensitively, if required, in confidence.

We aim to do this by supporting victims of anti-social behaviour to:

- To make it easy and accessible for victims to report any anti-social behaviour to ensure that staff keep complainants, witnesses and victims informed.
- To have a sensitive and proactive approach working with other agencies where appropriate to offer support and assistance.
- Ensure that there are discussions and an action plan developed with the person reporting anti-social behaviour.
- To protect the confidentiality of people reporting issues, where possible.
- Maintain regular contact with complainants, victims and witnesses.
- Provide protection measures such as target hardening working alongside The Community Safety Team.

4.2 Supporting Witnesses of Anti-Social Behaviour

We will support witnesses of anti-social behaviour and work with them to secure a successful outcome where anti-social behaviour occurs. We will aim to protect witnesses and work in partnership with the police and other agencies as appropriate to ensure that witnesses feel secure and are supported throughout the process, to alleviate any fears of intimidation. This will include any referrals to victim support, keeping witnessing informed at all stages.

5. Measuring Our Success

5.1 Performance Management

We will monitor tenant satisfaction with our tenancy management services, the results will subsequently feed into our monitoring and review processes.

We will establish a series of monthly and annual key performance indicators for our tenancy management services and report progress against these at monthly managers meetings. We will also make these available to tenants through our various methods of communication and involvement.

We will monitor the cost of our tenancy management services and compare these through formal and informal benchmarking methods.

5.2 Equality and Diversity

We recognise that we operate in a community within which there is wide diversity, we aim to value that diversity and shape our services around the needs of our tenants.

Through the management of our homes and estates we aim to treat all tenants fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status. We will gather information on the diverse needs of our tenants to ensure our services meet their needs and are consequently more efficient.

To enable all tenants to have clear information and equal access to our available properties, we will publish clear information in a range of appropriate languages and formats and through a range of media on request. Feedback is also accepted through a variety of different routes to reflect individual tenant's preferences or needs.

5.3 Complaints

Any complaints about how a case of anti-social behaviour has been handled are to be dealt with through the Council complaints procedure or through the community trigger. This information is available on our website or you can visit one of our Connects Offices for further guidance on how to make a complaint.

5.4 Policy Review

This policy will be reviewed every three years, or where there has been significant changes to regulation or legislation to warrant a further policy review. The policy may also be reviewed sooner where there is a need to address operational issues or where best practice has evolved and there is a need to incorporate this.

Review of the policy will be undertaken in consultation with:

- staff groups;
- Elected members;
- Resident and community groups.

For Approval