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# Policy for dealing with Anti-Social Behaviour affecting tenants and leaseholders

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Housing Service

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## **PART ONE – POLICY**

### **1. INTRODUCTION**

The Housing Act (1996) has been modified and incorporated in the Anti-Social Behaviour Act (2003). This amendment requires Social Landlords to publish a statement of their policy for dealing with anti-social behaviour.

This document fulfils this legal requirement and is designed to give a clear statement of our approach in tackling anti-social behaviour affecting tenants and leaseholders of Dacorum Borough Council.

This publication outlines the Anti- Social Behaviour Policy for the Housing Landlord service delivered to the Tenants and Leaseholders of Dacorum. This policy forms part of the broader policy statement by Dacorum Borough Council for dealing with any form of anti-social behaviour perpetrated across the borough.

### **2. CONTEXT**

The following documents have utilised to inform this policy, reference will be made to them where they have been used.

- Dacorum Borough Council's Anti-Social Behaviour Policy
- The Dacorum Community Safety Strategy
- Dacorum Anti Social Behaviour Strategy
- Dacorum Borough Council's Domestic Violence Policy
- Dacorum Homelessness Strategy
- Housing Allocations Policy
- Safeguarding Children & Adults

It is also compatible with legal requirements affecting the Dacorum Borough Council's Housing Service; including amongst others:

- Housing Act (1985)
- Children Act (1989)
- Housing Act (1996) (as amended by Anti Social Behaviour Act 2003)
- Human Rights Act (1998)
- Data Protection Act (1998)
- Crime and Disorder Act (1998)
- Freedom of Information Act (2000)
- Anti-Social Behaviour Act (2003)
- Children's Act (2004)
- Equality Act 2010
- Anti-Social Behaviour, Crime and Policing Act (2014)

This document and the organisation's work to tackle anti-social behaviour also reflects one of the objectives of Dacorum Borough Council's vision; '*of a cleaner, safer and greener Dacorum*'.

### **3. DEFINITIONS**

**Anti-Social Behaviour is defined in several ways:**

**The Crime and Disorder Act 1998** Section 1(1) defines acting in an "*antisocial manner*" as "*a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household*" as the perpetrator.

**The Housing Act 1996** defines anti-social behaviour as;  
*"Conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality"*.

**The Anti-Social Behaviour, Crime and Policing Act 2014 defines ASB 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.*

#### **Dacorum Borough Council Tenancy Agreement**

*"Harassment or antisocial behaviour is any act or failure to act which interferes with the peace and comfort of any other tenants, residents, members of their household, visitors, neighbours, the Council including our employees and contractors or any other member of the general public"*.

These definitions although not identical portray anti-social behaviour in a similar way. The type of behaviour is detailed in section 4.

### **4. EXAMPLES OF ANTI SOCIAL BEHAVIOUR**

The term Anti-Social Behaviour is applied to a wide range of behaviours and can include:

- Harassment on the grounds of age, gender, race, colour, religion, disability, sexual orientation, gender reassignment or pregnancy/maternity;
- Violence or threats of violence to any person;
- Abusive or insulting words or gestures;
- Disorderly drunkenness;
- Damage or threat of damage to property belonging to another person including damage to any part of a person's home;
- Graffiti and in particular graffiti which is abusive threatening or insulting;

- Making unnecessary, offensive or excessive noise by any means whatsoever including loud music, arguing and door slamming;
- Using or allowing the Property to be used for prostitution and/or for dealing in, cultivating and manufacturing or the illegal possession or use of any controlled substances;
- Using the Property for handling or storage of stolen Property;
- Any nuisance or annoyance caused by pets including excessive barking or fouling;
- Playing ball games in such a way as to cause nuisance and/or damage to property.
- Using or allowing the Property to be used for harbouring missing/wanted persons
- Using or allowing the Property to be used for young people to commit truancy.

This list is not exhaustive but merely acts as a guide.

## **5. OUR APPROACH TO ANTI-SOCIAL BEHAVIOUR**

Tenants and leaseholders will not be expected to tolerate any form of anti-social behaviour.

**We as a landlord** are committed to tackling anti-social behaviour and will take appropriate action to eliminate anti-social behaviour.

**Our response** will be proportionate and will be dependent on the type of behaviour that is of concern, and the most appropriate remedy for tackling it. Responses will range from advice, self-help and referral to independent mediation, referral to the Council's Anti Social Behaviour Team, work alongside the Council's Environmental Health Team to combat noise nuisance, the use of Acceptable Behaviour Agreements/Contracts, injunctions, taking possession of property and applying for Anti-Social Behaviour Civil Injunctions. Our response is based around making early contact with a household experiencing anti-social behaviour and working with them to tackle and resolve any issues before they are allowed to escalate.

We will **not actively seek to move tenants** experiencing anti-social behaviour. Tenants are able to seek a move themselves via the Moving with Dacorum scheme. The housing landlord service will not unless in exceptional circumstances (normally a move would be supported by the local police) assist tenants to move to an alternative property. The housing landlord service will work with the tenant experiencing the anti-social behaviour to tackle and address the problem.

**Support from tenants and leaseholders** is essential to ensure that anti-social behaviour can be tackled effectively. Without support from the witness(es) of the poor behaviour it is unlikely that effective action be taken. It is therefore essential that a partnership approach with the witness is fostered in order for effective action to be taken.

**Support and guidance** will be provided for witnesses and victims of anti social behaviour to encourage them to come forward. The Witness Assistant Support Program (WASP) is available for all individuals who come forward with information. Confidentiality is our primary concern therefore no information will be given to any third party (other than to specific partner agencies such as the police where sharing information would help to tackle or reduce the likelihood of crime and disorder from occurring - taken from the Crime and Disorder Act 1998) without the express permission of the witness or victim.

**Housing Staff** are aware that dealing with anti-social behaviour is an integral part of their duty as part of the housing service. If any staff member witnesses or receives a report of anti-social behaviour they must report it immediately to a Housing Officer (Tenancy)

## **6. DACORUM BOROUGH COUNCIL TENANTS' OBLIGATIONS**

The Tenancy Agreement that is signed at the start of each tenancy is a legally binding document committing Dacorum Borough Council and its tenants to its terms and conditions. The Agreement contains specific clauses concerning anti social behaviour, and domestic violence, the requirements of which are explained to every tenant at the beginning of their tenancy.

Tenants are responsible for their own behaviour and the behaviour of other members of the household including visitors to the property.

The main obligations of the tenancy agreement that relate to anti social behaviour are as follows:

Sections 26 – Treatment of Council Members, staff and contractors.

Sections 30-32 – damage to property

Sections 33, 34 – broken windows

Sections 35-37 – gardens

Sections 38-44 – communal areas

Sections 45 – harassment and anti social behaviour

Section 46 – domestic violence

Sections 47-49 – criminal acts and weapons.

Sections 50-55 – pets

Sections 56-58 – businesses

Sections 59-66 – vehicles

A full copy of these conditions is available from the Housing Service at the Civic Centre, Hemel Hempstead, Civic Centre Berkhamsted, and Victoria Hall, Tring.

## **7. SUPPORT FOR INDIVIDUALS REPORTING ASB**

We will provide support by;

- Dealing with their complaints promptly, fairly and impartially
  - Recording their concerns
  - Respecting confidentiality
  - Keeping them informed throughout the process
  - Advising them when a case is closed
  - Referring them to other supporting agencies and services where appropriate
  - Providing a comprehensive support package for victims and witnesses in enforcement cases.
  - Providing interpreters on request for people whose first language is not English
  - Providing signers on request for people who are hearing impaired.
- In any other ways that may be appropriate to their circumstances.

## **8. RACIAL HARASSMENT**

Racial harassment is verbal or physical aggression towards individuals or groups because of their colour, race, nationality, ethnic, or national origin and includes attacks on property as well as people. We have adopted the following definition of racial harassment following on from the recommendations given in the McPherson report: "Any incident which is perceived to be racist by the victim or any other person"

Examples of Racial incidents are:

- Assault, ranging from pushing, through to very serious physical attacks.
- Verbal racist abuse ranging from jokes to offensive remarks and comments
- Racist graffiti in any form
- Objects being thrown at people or their property
- Offensive mail
- Racist literature
- Intimidation on grounds of race or colour

This list is for indicative purposes only and is not exhaustive.

The Housing Service believes that all tenants and leaseholders regardless of race, nationality or ethnic origins have the right to be and feel they are safe at home and in public places. The Housing Service is therefore committed to identifying and combating racial harassment and to pursuing a zero tolerance approach to

perpetrators of harassment. The Housing Service will work with partner agencies such as the local police to ensure racial harassment is tackled effectively.

Action taken against the perpetrator can range from;

- Verbal warning
- Injunction
- Notice Seeking Possession
- Acceptable Behaviour Agreement/Contract
- Undertakings
- Anti-Social Behaviour Civil Injunction

## **9. HOMOPHOBIC, HATE CRIME & HARASSMENT.**

Broadly speaking, this is any incident or crime where a person's prejudice against an identifiable group of people is a factor in their choice of victim. A 'hate crime' is any criminal offence committed against a person or property that is motivated by the offenders' hate against people because of their age, sex, race, religion, disability, sexual orientation or gender.

A victim of a hate crime or incident does not have to be either a member of a minority group or someone who is generally considered to be a 'vulnerable person'. The Housing Service will apply the same procedure and similar definition used for racial harassment where reports of this nature are received.

## **10. DOMESTIC VIOLENCE**

The Housing Service has adopted the corporate domestic violence policy – this set out the service's approach to tackling incidents of domestic violence.

## **11. SAFEGUARDING CHILDREN AND VULNERABLE ADULTS**

The Council has a corporate responsibility to safeguard children who are at risk of or who are being abused. The Council's corporate responsibility in delivering the 'Every Child Matters Agenda' is set out in the Children Act 2004.

Government guidance entitled 'No Secrets' produced by the Communities and Local Government Department in 2002 also places requirements on support providers to safeguard vulnerable adults from abuse.

In responding to incidents of anti-social behaviour the landlord service has a responsibility under the Children's Act 2004 and the guidance produced in 'No Secrets' to be aware of the potential for abuse to occur and to take swift action to tackle any actual or suspected abuse should it be identified. Detailed procedures have been developed to ensure that Children and Vulnerable Adults are protected from abuse.

Vulnerable adults can be the subject of anti-social behaviour and may also not cope well with persistent low level anti-social behaviour. Additional support and/or



alternative approaches may be necessary to ensure that anti-social behaviour affecting vulnerable adults is tackled effectively.

## **12. PREVENTING AND TACKLING ANTI SOCIAL BEHAVIOUR**

A key objective is to prevent and deter anti social behaviour where possible. To achieve this we will continue to:

- Use Introductory Tenancies (introduced January 2002) for new Council tenants. This means that all new tenants who have not held a tenancy with a Housing Association or local authority immediately before their new tenancy have a “probationary” tenancy for the period of one year. Provided no action has been taken to end the tenancy in the meantime, the tenancy automatically becomes secure after the year has elapsed.
- Have a dedicated Anti Social Behaviour Team to deal with difficult or extreme cases of anti social behaviour.
- Issue demoted tenancies to any individual who proceeds to engage in unacceptable behaviour.
- Participate actively in the Dacorum Community Safety Partnership and be involved in the multi agency problem solving group, which identifies problem areas and patterns of behaviour, applying a multi agency response to address issues.
- Support via our own Tenancy Sustainment Team and use Housing Link, a floating support service for tenants with mental health, drug or alcohol misuse problems, who have difficulties in maintaining their tenancies
- Research best practice, continually develop the service and use new and innovative approaches to combat and deter anti social behaviour.
- To exclude perpetrators of anti social behaviour from the Housing Register in appropriate cases under the Homelessness Act (2002).
- To work with other departments across the Council to tackle environmental issues before they escalate.
- To identify the need for and run diversionary activities designed to reduce the likelihood of anti-social behaviour occurring.
- Utilise the Hertfordshire Mediation Service
- The Housing Service will also ensure that all staff are adequately trained and supported to deal with anti-social behaviour.

### **13. PREVENTION AND ENFORCEMENT**

We also aim to prevent the repetitive cycle of anti-social behaviour. Each case will be assessed individually to ascertain how this can be achieved. In many cases there are underlying causes for the behaviour, which may need to be addressed in order to achieve a lasting solution.

This could be a number of things from relationship breakdown to mental illness. Where there is an underlying cause, we will work with the person or family causing the nuisance to ensure they receive the appropriate advice and support that they need to deal with their problems. If the intervention does not work or they fail to co-operate further appropriate action may be taken – this may include mediation.

Preventative measures include:

- Referral to the Anti Social Behaviour Team.
- Referral to the Hertfordshire Mediation Service
- Undertakings of acceptable behaviour or conduct
- Referral to Housing Link floating support
- The use of forfeiture on leaseholders who consistently engage in unacceptable or threatening behaviour
- Multi- Agency Public Protection Agreement
- Referrals to support agencies – including the Tenancy Sustainment Team within the Housing Service

Where all reasonable steps have been taken to change or prevent anti social behaviour, or in very serious cases, careful consideration will be given to the use of enforcement powers to deal with the problems.

Enforcement measures may include:

- Anti Social Behaviour Civil Injunctions (In partnership with the Police and the Anti Social Behaviour Team)
- Noise Abatement Orders (in partnership with Environmental Health Officers)
- A range of Housing Injunctions in partnership with the Anti Social Behaviour Team
- Possession Proceedings and the enforcement of Possession Orders (evictions)
- Prosecution either by the Council, the Police or in partnership
- Class A closures in partnership with the Anti Social Behaviour Team
- Curfews in partnership with the Police and Anti Social Behaviour Team.
- Demotion of a secure tenancy

### **14. APPROACH TO DRUGS AND CRIME**

The Housing Service will co-operate fully and work closely with the Council's specialist Anti-Social Behaviour Team, Local Police and other partner agencies in order to play a major part in the fight against the use of drugs, drug dealing and the

incidence of major crime. In particular, the Housing Service wishes to send out a clear message to its tenants that drug dealing and major crime will not be tolerated and that firm action will be taken against offenders.

## **15. MULTI AGENCY PARTNERSHIPS**

We work closely with the Anti-Social Behaviour Team and voluntary and statutory agencies to deal with anti social behaviour, these include:

- The Anti Social Behaviour Action Meeting (ASBAM) which deals with individuals or specific areas of concern. This meeting is chaired by the Anti Social Behaviour Team who co-ordinate the multi agency response. This includes all Registered Social Landlords (RSL'S), Police and Environmental Health. This group also makes recommendations regarding Anti Social Behaviour Orders.
- Individual case conferences that are arranged to deal with safeguarding adults and children, or cases involving mental health or specific needs.
- Representatives from the Housing Service attend the Multi Agency Public Protection Panel and Area Review Panels.
- Representatives from the Housing Service attend Multi Agency Risk Assessment Conference (MARAC)
- Neighbourhood Action Steering Groups and the Corporate Domestic Violence Forum

## **16. INFORMATION SHARING AND CONFIDENTIALITY**

Any information given to the Housing service will be treated with the upmost confidence. It will not be passed on to the perpetrator without the expressed permission of the person who gave the information. Information will be exchanged by signatories of the Information Sharing Protocol such as the Police, local Housing Associations, Fire Service, and Social Services. The information will be kept confidential by the agencies concerned and will only be used for the purpose that it was supplied.

This exchange of information is permitted under the Crime and Disorder Act 1998 for preventing crime and disorder yet is in keeping with the Data Protection and Human Rights Acts. The Housing Service will also comply with the Freedom of Information Act 2000 but will not disclose information where exemptions apply. Anonymous information will be recorded and if possible investigated. However due to the difficulties of checking facts and updating reports actions may be limited.

## **17. COMMUNICATION**

### **Communication and Publicity**

The agreed policy will be publicised and communicated as follows:

**(1) To customers, partner organisations and elected Members:**

- Via Press release(s) and by providing comment on relevant news items
- Via the Council's website
- Via the Tenants and Leaseholders handbooks
- Via meetings with members of the public and elected members
- Through dealing with individual cases
- By providing copies of the policy and procedure and summary to partner agencies (such as the Police, Herts County Council, Registered Social Landlords, Parish and Town Council's etc) elected Members and local MP's.

A full copy and summary of the policy will be available for inspection at the Civic Centre Hemel Hempstead, Civic Centre Berkhamsted and Victoria Hall Tring during normal opening hours. A copy will also be made available free of charge to any member of the public on request.

**(2) To members of staff:**

- Via team meetings
- Inclusion in Grapevine (staff magazine)
- Briefings and training sessions for operational staff

## **18. COMPLAINTS ABOUT THE SERVICE**

Complaints regarding the service will be dealt with under the corporate complaints policy, details of which are available from the Civic Centre Marlowes, Hemel Hempstead.

## **19 EQUALITY AND DIVERSITY**

We will ensure that this policy is applied fairly and consistently to all our customers. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, age, gender, marital status, sexual orientation, disability or any other grounds set out in our Equality and Diversity policy.

When applying this policy we will act sensitively towards the diverse needs of individuals and communities.

When applying this policy we will take the necessary positive action to reduce discrimination and harassment in local communities.

This policy is supported by an Equality Impact Assessment (see appendix 1)

**This policy and any other related publications of Dacorum Borough Council are available on request in other formats (e.g. in an alternative language, in Braille, on tape, in large type).**