



Anti-Social Behaviour Policy

Item	Details
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Originator:	Amanda Harper, Housing Management Team Manager
Owner:	Head of Housing/Head of Community Services (shared policy)
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Key policy details

Approvals

Item	Date of Approval	Version No.
Consulted with		
Reviewed by Community Scrutiny Committee	4.4.23	4.1
Approved by Cabinet		

The Head of Housing, in consultation with the Portfolio Holder has the authority to make the following changes

- Minor amendments as a result of changes in national policy and changes to local priorities

Policy Location

This policy can be found on the council's website.

Revision history

Version Control	Revision Date	Summary of Changes
4.2	April 2024	* Changed wording from Community Trigger to ASB Case Review * Included learning from complaints about unannounced visits. * Reference to the Consumer Standards set out by the Regulator for Social Housing * Reinforced Key performance indicators * Added reference to Hate Incidents

Policy Review Plans

This policy is subject to a scheduled review once every three years or earlier if there is a change in legislation or local policy that requires it.

Distribution

Title	Date of Issue	Version No.
Cabinet	23.4.24	4.2

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ASB Classification and Service Standards

ANTI-SOCIAL BEHAVIOUR POLICY

1. Statement of Purpose and Definition

North West Leicestershire District Council (NWLDC) recognises the importance that residents place on the ability to live peacefully in their homes. Anti-Social Behaviour (ASB) and neighbour nuisance include a broad range of disruptive behaviour. We recognise that ASB has a detrimental effect on the quality of life enjoyed by its residents. Residents should not have to live with ASB.

Unless otherwise stated within the policy, the Council use the definition of ASB as described in the Anti-Social Behaviour, Crime and Policing Act 2014 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

The Policy is being publicised in plain language and made available to residents upon request and on the Council's website. This document can be obtained in large print or translated into other languages, if required. It is designed to be a framework as to how ASB can be reported to and dealt with by the Council.

The Policy refers to the Safer North West Leicestershire Partnership and Joint Action Group (JAG) throughout this document. The Safer North West Leicestershire Partnership brings together several agencies with a shared commitment to reducing crime and disorder in the district. The Partnership is made up of several organisations including;

- NWLDC (the Council)
- Leicestershire County Council
- Office of the Police and Crime Commissioner
- Leicestershire Police
- National Probation Service
- Local Community Rehabilitation Company
- West Leicestershire Clinical Commissioning Group
- Leicestershire Fire and Rescue service

At a district level ASB is managed within the Community Safety and Housing Management teams. Cases which meet a High-Risk threshold when reported, will have additional scrutiny through a Multi-Agency JAG (All high-risk cases are monitored carefully, and emerging trends are identified within the group to ensure appropriate action is taken when and where needed.

This Policy is compliant with the Housing Act 1996, Part 8 Section 218A

2. Introduction

The Council is committed to improving the quality of life for everyone living and

working within North West Leicestershire and in providing a safe and secure environment to enable communities to live together and free from the negative impact of ASB.

This policy has been developed in line with the Anti-Social Behaviour Act 2003, the Crime and Disorder Act 1998 as amended and the Anti-Social Behaviour, Crime and Policing Act 2014 and the Consumer Standards being introduced by the Regulator for Social Housing from April 2024. This will ensure that ASB is dealt with consistently, robustly and that justified action will be taken where appropriate.

Reports of ASB will be investigated with relevant outside agencies and the action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged in. Intervention action will be selected based on what is most likely to produce an effective solution. Where the council deem it appropriate, and if the nature of the ASB is serious or where it causes immediate risk of harm, rapid enforcement action will be considered.

Where ASB occurs, and it is criminal in nature, the Council will refer the complainant to report this to the Police. The Police will then manage the case, working in conjunction with Council staff to jointly decide on whether civil proceedings will be brought against the perpetrator(s).

The Council will work with and share information with partners (in accordance with our policies, procedures, and data sharing agreements) to reach the best solution and to learn from each other. This includes internal departments as well as those that sit within the Safer North West Partnership and those that attend the District wide Joint Action Group.

3. ASB classification and Service Standards

Initial reports of ASB will be recorded under one of the categories listed in [Appendix A](#)

Not every allegation reported to the council will be categorised as being ASB; some types are everyday living noises or lifestyle differences rather than ASB and therefore they may not be investigated under the terms of this policy. The complainant will be notified at the earliest opportunity available that an investigation will be opened, and they should be directed to the website where a copy of this Policy will be published.

Although people can expect to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance.

The Council will not commit to strategies which raise expectations but are not enforceable, for example "No ball game" signs, but will actively seek from the complainant what outcome they are seeking.

4. Reporting ASB

The Council will make available a wide range of methods of contact for reporting ASB, including in person, online and via the telephone. You will have one nominated lead caseworker for your complaint, who will keep you updated regarding progress with our investigations.

5. Our commitment to managing ASB reports

All reports of ASB will be logged on our system and passed to the most appropriate department for investigation. You will be notified at your initial contact, or at the earliest possible time (normally within three working days), whether the matter will be investigated in line with our Policy.

ASB complaints will be processed via a case management system which can be accessed by the Council's Housing and Community Safety teams as well as the Police.

The Council will adhere to the timelines stated within the classifications on Appendix A. Should the period for investigation and/or enforcement be extended, the reasons and indicative period will be given to the complainant.

Customers will also be asked to use technology to support the swift reporting of complaints and ongoing evidence. Information about the type of technology or application being used will be provided and help available to support the use of it.

6. Supporting Vulnerability

The Council recognises the importance of supporting vulnerable members of the community, who may be more at risk of becoming involved in ASB both as a victim or perpetrator.

A person may be considered vulnerable for many reasons, including but not limited to; age, alcohol or drug dependencies, disability (as defined by the Equalities Act 2010) or mental health issues.

When a complaint of ASB is received, the Council will assess vulnerability on every case, and this will be included as part of the Risk Assessment Matrix (RAM). This RAM is then shared with partnering agencies to determine the most appropriate course of action and/or protection.

When a complainant, witness, or perpetrator of ASB is identified as being vulnerable, a referral may be made to relevant support services. The Council will work collaboratively with the identified carers and support agencies.

Where a complaint is made against someone who we know or suspect is vulnerable, the Council will make every effort to assist them in engaging with support services. However, it will be made clear that failure to engage with such services and the continuation of the ASB may lead to formal action being taken against them.

The Council will not accept vulnerability as a reason for a perpetrator being allowed to continue to behave badly.

7. Safeguarding

Safeguarding is everyone's business, and we all have a part to play in protecting the most vulnerable members of our community.

The Council actively participates in multi-agency arrangements to safeguard children, young people, and adults.

The law requires us to ensure that our functions are discharged having regard to the need to safeguard and promote the welfare of children. Provisions within the Care Act

2014 mean that adult safeguarding has also been placed on a statutory footing.

The Council recognises that when dealing with ASB we may meet children and adults for whom there are safeguarding concerns. All employees receive safeguarding training and have access to information to enable them to respond appropriately.

It is not for the investigating officer to decide as to whether there are safeguarding concerns, but it is their duty to report anything which they believe is a cause for concern.

Information on reports of safeguarding concerns will not be shared with those making complaints.

8. Hate Incident or Hate Crime

A hate incident is any non-crime incident which is perceived by the victim or other person, to be motivated by a hostility or prejudice based on a person's race, or perceived race/religion or perceived religion/sexual orientation or perceived sexual orientation/disability or perceived disability/transgender or perceived to be transgender.

A hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

If it is suspected that someone is a victim of hate crime, the matter should be reported to [Leicestershire Police](#) or can be done so anonymously (as with all crimes) to Crimestoppers [via their website](#) or on 0800 555 111.

The Council will offer support to report a hate incident or crime and will make referrals to appropriate support agencies where appropriate.

The Council forms part of the Leicester, Leicestershire and Rutland strategy statement for Tackling Hate and will commit to continue to monitor its progress via community safety partnerships and participate in any action plans which will fit the key themes around Hate crime, as included in this strategy statement.

9. Action we can take

Most complaints of ASB do not require legal action as a means of resolution. The Council will, in the first instance, assess the type of ASB, the risk of harm to the victim and any vulnerability to identify how it will deal with the complaint. Early intervention through informal approaches will be considered in the first instance before exploring the more formal enforcement tools:

Early and Informal Interventions

As a District and County, we are committed to the tiered approach when dealing with ASB. Early intervention through an informal approach can be successful in stopping ASB committed by most perpetrators. These methods should be considered and exhausted first to attempt to stop behaviour before it escalates.

Visits

The Council will use a variety of announced and unannounced visits to speak with victims, witnesses, and alleged perpetrators to gather the necessary information to find a resolution. To adhere to best practice, unannounced visits will be recorded in detail on the case management system, and this alone will not be used as a mechanism to close cases.

Verbal Warnings / Written Warnings

Warnings are issued when there is evidence of ASB occurring or likely to occur. They make it clear to the perpetrator/parent/guardian what behaviour is causing the issue, the effect this is having on the victim or the community and the consequence of not adhering to the warning.

Community Resolution

This is where a resolution is found for a less significant issue of ASB where an informal agreement is reached between the parties involved as opposed to progression through legal action.

Mediation

Mediation can be an effective tool, solving the issues by bringing all parties together to talk through their concerns. Our Officers can offer mediation on a confidential, impartial basis that can solve many incidences of misunderstanding or unintentional ASB. An example of when mediation would be used is when two neighbours fall out over a difference, such as the position of a boundary fence.

Mediation will often be conducted by a separate organisation who the Council will work with.

Restorative Justice (RJ)

RJ gives a victim of ASB an opportunity to communicate with the perpetrator in a controlled environment, to tell them how their behaviour is impacting on them, giving them a voice. It holds the perpetrator to account for what they have done.

Acceptable Behaviour Contracts (ABC)/Parenting Agreement (PA)

These are voluntary written agreements between an individual and the Council. The ABC is entered into in conjunction with other agencies including the Police and Youth Offending Service. They contain pledges to behave in a certain manner or to stop doing certain things. An ABC or PA is not legally enforceable but if they are broken, they can be used to form part of the evidence required to proceed to another level of action, such as court.

Support and Counselling

In many cases there are underlying causes of ASB. Substance misuse or alcohol dependency can drive ASB. The Council will refer where possible to the appropriate agencies that can offer support and counselling depending on the circumstances of the person concerned in the ASB, including referrals to Family Hub (Leicestershire) and our Tenancy Support team within Housing Services.

Surveillance

As part of our response to dealing with ASB, we reserve the right to work with partner agencies to carry out both covert and overt surveillance. Surveillance may be visual or audio. Any surveillance will be appropriately authorised, proportionate and justified. This will include where necessary the monitoring of CCTV. At times the Council will be required to disclose our CCTV images to a third party such as the police where there is a need for the prevention and detection of crime and for the apprehension of offenders.

In addition, any surveillance undertaken with regards to the investigation will be dealt with in accordance with all relevant legislation.

10. Legal Action

If perpetrators are unwilling to change their behaviour following attempts along the informal intervention route, then there are some formal tools that can be used by the Council:

Civil Injunction

The Civil Injunction is an order made by the Court to stop or prevent individuals engaging in ASB. It can resolve any issues before they escalate and can help the perpetrator to address the underlying cause of the ASB. An injunction can be obtained for people causing ASB from the age of 10 years. If the terms of an injunction are not adhered to, it can result in a fine or imprisonment for up to two years for anyone over the age of 18. For under 18's it could result in a supervision order or detention for up to three months. In addition to this, the breach of an injunction could mean that a tenant faces a mandatory possession order being granted by the Court.

Criminal Behaviour Order (CBO)

The Criminal Behaviour Order can be issued in a criminal court against a person from the age of 10 years upwards. It is used to tackle the most persistent anti-social individuals who are engaged in criminal activity and have been convicted of an offence. Breaching a CBO is a criminal offence and for over 18's can result in up to five years imprisonment, a fine or both. Under 18's could face a two-year detention order, with part of that detention served in custody.

Closure Orders

This can be used to close a property when it is being used or likely to be used to commit serious nuisance or disorder. The initial Closure Notice is valid for either 24 or 48 hour period followed by the application to a Court for a Closure Order. This is a fast and flexible power that can be used to protect victims and communities by quickly closing premises where ASB is prevalent.

Community Protection Notices (CPN) and Orders (CPNO)

The Community Protection Notice is intended to deal with on-going problems or nuisances which negatively affect the community's quality of life, such as graffiti, rubbish, or noise by targeting those responsible.

Public Space Protection Orders

These orders impose conditions which may include multiple restrictions and requirements in an area such as parks, alleyways, or communal areas, where ASB is

detrimental to the local community. They are designed to ensure that most people can enjoy public spaces and feel safe, and the conditions could be around alcohol, dogs, or noise for example.

Demotion Orders

Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants and can be a precursor to taking possession of the property. These orders remove several rights including the right to buy and the right to exchange.

Demoted tenancies last for a year and may be extended if notice to seek possession of the property is served during this period. The orders are an urgent warning to tenants that if the negative behaviour continues swift action can be taken to seek possession of their home.

Possession Proceedings

This is court action that can lead to Council tenants being evicted from their homes. Before this stage is reached the tenants involved will have had several warnings to stop their behaviour. Evicting someone who may have family and children from their home is a serious consequence. The Council would have to prove to the court that on the 'balance of probabilities' the tenants have indeed broken the terms of their tenancy agreement and that it is reasonable for the court to evict the tenant. The ASB Crime and Policing Act 2014, has introduced a new absolute ground for possession for secure tenancies where ASB or criminality has already been proven by another court. This means that the Council will no longer need to prove that it is reasonable to grant possession and the court must grant possession, providing set procedures have been followed.

11. Protection of Staff and Contractors

The Council will not, under any circumstance, tolerate abusive, threatening, or violent behaviour towards our staff or contractors, and will always take swift and robust action to protect our staff. All acts of aggression, harassment or intimidation towards staff members will not be tolerated and will be referred to the police if appropriate.

The Council will ensure a prompt and robust response takes place. Where there is a direct threat of harm or violence towards the complainant we may commence legal action.

A potentially violent person's register is kept centrally by the Health and Safety Officer at the Council and all reports of this nature will be recorded. The Council has a responsibility to ensure they place sufficient warning markers on their systems to ensure staff safety and any recommended measures are put in place.

12. Performance Monitoring

The Council will closely monitor the quality of the ASB service by:

- Setting challenging performance targets for staff to achieve
- Completing customer satisfaction surveys
- Ensuring managers carry out audits and reviews on a sample of cases
- Provide information to national bodies such as Tenant Satisfaction Measures

The Council will regularly report statistical information about ASB both internally and externally, including benchmarking to link with other similar organisations. This gives

us a comparison of best practice, identifying trends and informing service delivery.

Information will also be made available upon request to our partnering agencies, scrutiny committees and customers.

13. Closing Cases

The Council will normally only close cases when the situation has been resolved and/or the complainant is happy for us to do so. However, in some circumstances it may be necessary to close the case without the consent of the complainant.

This might happen when we are satisfied that we have done everything we can, that is reasonable and proportionate to resolve the complaint or the complainant has failed to respond to requests for contact. We may also close the case if it is considered that the allegations made are false or malicious or if the complainant refuses to work with the investigating officer to resolve the alleged ASB.

The Council will not assume that the situation has improved if we have not heard from the complainant and will try and contact them before closing their case. If there is no response, the Council will close the case and record this as resolved.

To avoid cases being open indefinitely, we have a robust process of review, with the lead officer dealing with each case on its merit. Where the case has been open for 12 weeks it will be reviewed by the team leader, referring to the Team Manager where required. All high-risk cases will be referred to the JAG who will review all actions in these cases and task the investigating officer if further recommendations are required.

14. ASB Case Review (formerly Community Trigger)

The ASB Case Review introduces a right for victims, or victims' representatives, to ask local agencies to review how they have responded to previous ASB complaints and consider what further action might be taken where the behaviour persists.

Further information on what the ASB Case review is designed to achieve and the threshold for activation, can be found at www.nwleics.gov.uk/asb.

You may activate a trigger by completing an [online form](#), or by phoning the Community Safety Officer (ASB) on 01530 454545.

15. Publicising our approach to ASB

Our approach to ASB will be publicised to residents, potential residents, and staff in several ways, including:

- Leaflets and/or guidance documents
- The Councils website
- Policy Briefings and Training
- At all Council tenancy sign ups
- Tenants' Handbook
- The Tenancy Agreement

16. Development and Responsibility

Staff will be trained to deliver this policy and are responsible for adhering to its terms and suggesting improvements to its administration.

This document will be reviewed every three years; however, it will be updated at any time if there is a material change in a process or legislation.

APPENDIX A – ASB CLASSIFICATION AND SERVICE STANDARDS

All action taken by an Officer must be reasonable and proportionate to the behaviour reported and experienced by the victim of the ASB. There will be occasions where the ASB reported will be classified within multiple groups. In this instance, the action will be determined on the highest grouping.

	Type of ASB	Interventions available ¹	Service Standards
1	<ul style="list-style-type: none"> • Domestic Noise • Vandalism and damage to property • Misuse of Communal areas / Public Space loitering 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies as appropriate. • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Community Resolution • Restorative Justice / Mediation • Civil Injunction • Community Protection Notice • Public Space Protection Order • Fixed Penalty Notice • Recharge • Noise Abatement Notice/Prosecution 	<p>First Contact with the investigating officer or advocate within five working days and agree action plan. Action within 10 working days of this contact.</p>
2	<ul style="list-style-type: none"> • Verbal abuse / Harassment / Intimidation • Drug smells / substance misuse • Alcohol related ASB • Prostitution / Sexual Acts • Criminal Behaviour / Crime • Noise including other general ASB • Domestic Noise • Bullying/Cyber Bullying 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies as appropriate • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Community Resolution • Restorative Justice / Mediation • Civil Injunction • Criminal Behaviour Order • Closure Order • Notice of Seeking Possession* • Possession* • Demotion of Tenancy* • Community Protection Notice • Public Space Protection Order • Noise Abatement notice/prosecution • Community Protection Notice • Fixed Penalty Notice • Injunction • Local Resolution • Mediation 	<p>First Contact with the investigating officer or advocate within three working days and agree an action plan within five working days of this contact.</p> <p>N.B The Housing department will investigate all domestic noise cases making use of the provisions of the ASB, Crime and Policing Act 2014 as a means of handling domestic noise incidents, in addition to the powers with the Housing Act 1985. Where there is a proven statutory nuisance, the Council will work with the Environmental Health Team to act under the Environmental Protection Act 1990.</p>
3	<ul style="list-style-type: none"> • Hate related incidents (based on Age, Race, Sexual Orientation, Gender, Disability etc.) • Domestic Abuse • Physical Violence (other than Domestic Abuse) • Drug production / supply • Threatening Behaviour 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies including Police, Environmental Health, Social Services, Youth Offending Service, Probation Services, Education Welfare, NHS, Mental Health Team • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Restorative Justice / Mediation • Civil Injunction • Criminal Behaviour Order • Closure Order • Notice of Seeking Possession* • Possession* • Demotion of Tenancy* • Domestic Violence Protection Order 	<p>First Contact with the investigating officer or advocate within two working days and agree an action plan within 24 hours of this contact</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Outside of ASB Policy</p>	<ul style="list-style-type: none"> • Animal Nuisance • Graffiti (non-offensive/non directed/non abusive) • Car repairs / Vehicle nuisance / Parking • Litter / Rubbish / Fly tipping • Garden Nuisance 	<p>The matters listed in this section will be dealt with outside of this Policy and logged as an Estate complaint.</p> <p>If the alleged perpetrator is a Council tenant, the Housing department will discuss the terms of the tenancy with the alleged perpetrator</p> <p>Should matters escalate or change in nature, the Council will look to re-categorise the behaviour as anti-social.</p>	<p>First contact with the investigating officer or advocate within five working days with alleged perpetrator.</p> <p>Action plan to remedy behaviour within 5 working days of this contact.</p>
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¹ Interventions marked with an Asterix (*) are only available to the Housing Service

Equality Analysis

Completion of Equality Impact Assessment (EIA) Form

Has an EIA form been completed as part of creating / reviewing / amending this policy?	Please tick: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, where can a copy of the EIA form be found?	Available upon request
If no, please confirm why an EIA was not required?	N/A