

Purpose and Scope

The purpose of this policy is to outline the way in which we will manage and address Anti-Social Behaviour (ASB) on our housing estates and wherever Housing Service staff are working. This policy ensures our approach to ASB is in line with the new measures set out in the Anti-social Behaviour, Crime and Policing Act 2014, and provides a partnering framework within which we can act to prevent and address ASB in our communities.

This policy applies to all tenants living in City of London residential property. For the purpose of this document, the term tenant refers to all rented tenants, shared owners and leaseholders.

Policy Statement

The City of London's Housing Service is committed to ensuring that all residents enjoy their right to peace, quiet and security in and around their homes. We recognise that ASB can have a severe effect on the wellbeing of residents and that we have a duty to take action to minimise it. We are dedicated to looking after the neighbourhoods for which we are responsible, making sure they are safe and working to develop the sense of community which makes them a great place to live. We take all reports of ASB, domestic abuse and hate crime very seriously and will investigate any incidents reported to us. We will work in partnership with other agencies, such as the police, to prevent and tackle such behaviour with a robust approach.

Our aims regarding ASB

- We will not tolerate any ASB inflicted on or by our customers.
- We will provide relevant training to our staff so they are confident in executing our ASB policy effectively.
- We will deal with all cases of ASB in accordance with our Equality & Diversity Policy.
- We will adhere to and follow our Domestic Abuse Policy when reports of domestic abuse are received.
- We will adhere to and follow our Hate Crime Policy when reports of hate crime and hate incidents are received.
- We will investigate all reports of ASB and will respond efficiently and effectively by adhering to the corresponding urgency timescale, working with external agencies where appropriate.
- We will identify any possible safeguarding issues and act in accordance with our Safeguarding Policy.
- We will provide support and advice to victims and witnesses engaging with and making referrals to external agencies where appropriate.
- We will, where appropriate, encourage our customers to resolve their own disputes amicably.

- We will attempt to resolve ASB through prevention, early intervention, working with our customers and in partnership with other agencies.
- We will pursue proportionate enforcement actions making reasonable judgements to effectively tackle ASB based on the severity and frequency of the offence.
- We will give consideration to a range of enforcement tools, dependent upon the type of issue presented (including but not limited to civil injunctions, possession action, Acceptable Behaviour Contracts and mediation).
- We will aim to focus on the sustainment of tenancies by balancing prevention and enforcement.
- We will make referrals to internal and external partners as necessary in order to establish the underlying cause of the ASB.
- We will record, monitor and evaluate ASB reports and actions and take into consideration customer feedback in order to improve and develop the service.
- We will respect individuals' confidentiality, where appropriate, not sharing information unless consent is given or unless we are required to by law or where a potential Safeguarding issue has been identified which might mean we are obliged to share the information.
- We will ensure that our residents understand how the City of London deals with incidents of ASB.

Definitions

Definition of estate management nuisance

We make a distinction between what activities are defined as ASB and what constitutes 'estate management nuisance'. The City of London defines estate management nuisance as:

“Behaviour that is a breach of the terms of the tenancy agreement and that causes nuisance or annoyance such as inconsiderate parking, occasional noise nuisance, unkempt gardens and one-off incidents that can usually be dealt with in the first instance by those affected, rather than requiring the immediate intervention of the Housing Service.”

This is to clearly differentiate between activity which is often of a criminal nature, requiring a multi-agency approach, and behaviour which whilst causing nuisance or annoyance to others that can be dealt with quickly and efficiently by a responsive housing management service.

Everyday living noise or minor lifestyle differences are not classed as ASB and will not be investigated under the terms of this policy. For example:

- Noise from people walking across a wooden floor whilst wearing shoes, doors banging, noise from passage up and down stairs.
- Noise from people using washing machines, tumble driers, vacuum cleaners, lawnmowers etc.

- Cooking smells.
- Noise of children playing in or near their own home.
- Vehicle nuisance, revving engines, loud music from in car, careless driving.

The above list is not exhaustive and where we cannot intervene we will explain why and if possible give advice on agencies to contact that may be able to help.

Each borough has an Environmental Health team (or similar) whose remit is to deal with noise nuisance from within the boundaries of a property for example:

- Noisy neighbours (music, shouting, alarms or DIY at unreasonable hours).
- Noise from commercial premises (entertainment, ventilation systems, alarms).
- Noise from industrial premises (factories, construction, demolition, alarms).
- Car alarms or loud stereos (only if vehicle is parked).
- Nuisance barking.

Definition of ASB

The City of London acknowledges that there is no single definition of ASB but favours the definition stated in the Anti-social Behaviour Crime and Policing Act 2014:

(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.

ASB generally consists of activities that can have a significant impact on people's lives. It can be described as behaviour that causes harassment, alarm or distress, and can be categorised as urgent and non-urgent.

Category 1 - Urgent

Any violent behaviour or threat of violence against a person or property will always be considered as urgent and initial action will be taken **within 24 hours** of the incident being reported to estate staff. Examples of ASB categorised as urgent include, but may not be limited to:

Hate crime	Hate related incidents	Domestic Abuse
Any action which would be deemed to be a criminal offence which is perceived by the victim, or any other person, as being motivated by prejudice or hate on the grounds of (but not limited to) the victim's disability, age, sexual orientation, race, religion or belief.	Any non-criminal incident which is perceived by the victim, or any other person as being motivated by prejudice or hate on the grounds of (but not limited to) the victim's disability, age, sexual orientation, race, religion or belief.	Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been intimate partners or family members regardless of gender or sexuality.
Assault	Verbal abuse or insults	Psychological abuse

Criminal damage	Isolation or exclusion	Physical abuse
Robbery	Online abuse	Sexual abuse
Sexual assault	Distributing discriminatory literature	Financial control or limitation
Theft	Bullying or intimidation, damage to home, pets, vehicles etc.	Emotional control
Inciting others to commit hate crimes harassment	Abusive phone calls, emails or text messages/hate mail	

Any threat of, or actual violent behaviour towards a member of staff or any employee acting on behalf of the City of London Corporation will be considered urgent. In addition, the vulnerability of the person reporting the ASB will be taken into account. Estate Managers will use their discretion to treat such cases as urgent if deemed necessary.

Category 2 - Non-urgent

Non-urgent incidents will be acknowledged within two working days and responded to **within five working days**. Examples of ASB categorised as non-urgent include, but may not be limited to:

Environmental	Tenancy related	Other
Unreasonable noise nuisance	Failure by tenants to prevent children or visitors behaving in an anti-social manner	Vandalism and damage
Dumping rubbish & littering	Failure by tenants to observe any ASB-related tenancy conditions	Use of premises for illegal or illicit purposes
Dog fouling	Any act which adversely affects (directly or indirectly) our Housing Management function.	Illegal Drugs use
Graffiti	Misuse of communal areas	Prostitution
Fly-posting	Use of motor vehicles by tenants or their visitors in an anti-social manner	Alcohol related nuisance
Abandoned vehicles	Hoarding to an extent that adversely impacts other residents and/or the condition of the property	

Reporting

Estate staff will log all reports of ASB, even if the only action required is to signpost someone to an appropriate team or person (Environmental Services, Noise Nuisance etc) at a host local authority. This log is held centrally and will be monitored and analysed to identify any trends or risks. Data will be reported to the Housing Management & Almshouses Sub-Committee as part of the Housing Update Report, which is presented every six months.

Measures available to tackle ASB

The Housing Service has a range of tools and options available when considering cases of ASB. A full list giving details of each option is attached as Appendix 1. The following is not an exhaustive list but gives an indication of the possible sanctions/actions that the Housing Service's management team may consider:

- Mediation
- Tenancy Support
- Involvement of Social Services
- Voluntary Agreements - Acceptable Behaviour Contracts (ABCs)
- Family Intervention
- Parenting Orders
- Tenancy sanctions and/or amendments
- Injunctions
 - Injunctions against unlawful use of premises
 - Exclusion order and power of arrest
 - Injunction against breach of tenancy agreement
- Eviction, including new '**absolute**' and '**discretionary**' grounds for possession introduced in the 2014 Act. The 'absolute' ground for possession applies where ASB or criminality has already been proven by another court. The 'discretionary' grounds for possession strengthen the ability of local authority landlords to recover possession of properties from tenants who have been involved in crime or ASB.
- Community Protection Notices (CPNs)
- Public Spaces Protections Orders
- Penalty notices
 - Penalty Notices for Disorder (PNDs)
 - Criminal Behaviour orders (CBOs)
 - Dispersal powers
 - Closure powers

What the law says

Any legal action taken in respect of ASB is taken in relation to Housing Acts (1985, 1988, 1996, and 2004), the Anti-social Behaviour Crime and Policing Act 2014, or any other legislation relevant to housing management and also with reference to the tenancy terms and conditions.

The Anti-social Behaviour Crime and Policing Act 2014 replaces the various measures previously available to tackle ASB within the Anti-social Behaviour Act 2003 with a new set of powers, intended to provide a simpler and more streamlined framework. It introduces new mechanisms with the aim of giving victims and local communities a greater say in the treatment ASB and low-level crime, and it strengthens the ability of landlords to terminate tenancies on grounds relating to ASB

Delegated Authority

The City's Scheme of Delegation has been amended in accordance with the Anti-social Behaviour Crime and Policing Act 2014 to reflect that the Director of Community & Children's Services (or his authorised deputy) now has the delegated authority to:

- seek an Injunction to Prevent Nuisance and Annoyance
- issue Closure Notices and apply for Closure Orders

- authorise officers to serve Community Protection Notices and Fixed Penalty Notices in the event of a breach.

The changes to the Scheme of Delegation also confirm that the City of London's authorised officers are now also able to delegate the serving of Community Protection Notices to Registered Social Landlords, where appropriate, in accordance with Part 4 of the 2014 Act.

Authorised officers can now also delegate the serving of Community Protection Notices and Fixed Penalty Notices, in the event of a breach, to Police Community Support Officers and (where appropriate) Police Staff, in accordance with Part 4 of the Act.

Community Trigger

In recent years, the police, councils and others have started to adopt a range of effective mechanisms that improve the response they provide to victims. From Multi-Agency Risk Assessment Conferences to taking on board the lessons identified in ASB call handling trials, victims have now become the focus of the response in many areas. This has resulted in an end-to-end Risk Assessment process, ensuring that vulnerable victims are better supported in cases of ASB. The Anti-social Behaviour, Crime and Policing Act 2014 introduced a Community Trigger, applicable to all social landlords. This offers the ability to trigger a review of management of ASB complaints in certain circumstances, including the actions of registered providers. A Community Remedy has also been introduced to tackle the effects of low level ASB by enabling those affected to influence what actions can be required of the perpetrator.

For our estates in the square mile, the City's Community Safety Team is the 'Single Point of contact for the Community Trigger. The Chairman of the Safer City Partnership oversees/scrutinises any Community Triggers and appeals. The trigger threshold to be used will be:

At least 3 qualifying complaints from one person within a six month period are made to either the City of London Corporation, police or a registered social housing provider.

Managers of estates situated in other boroughs will need to familiarise themselves with the new Community Trigger protocols in their local area, as they may differ from the City of London's agreed procedures.

Supporting witnesses

To ensure that ASB is tackled effectively, it is often essential for witnesses to give evidence in legal proceedings. This can be extremely stressful for these witnesses and sometimes legal actions fail because of intimidation or a perceived threat of intimidation/violence, or simply because of the stress of the process. Some witnesses can be concerned about revealing their details when reporting ASB for fear of repercussions; these details are normally required to ensure effective action to be taken. Any information relating to ASB is treated with complete confidentiality and only shared if we have permission to do so or if there is a real danger to someone because of not sharing information.

Where legal action is being taken the City of London will keep relevant parties appropriately informed and will endeavour to support witnesses through the process. Where circumstances warrant, we will consider the use of injunctions, emergency/temporary re-housing or any other action that might help witnesses/victims through this stressful process. If there are no witnesses willing to give evidence and there is a clear issue of ASB, we will consider whether the use of

professional witnesses is appropriate. The police are responsible for identifying those witnesses that are likely to be subject to intimidation.

Vulnerable People

The City recognises that vulnerable residents, including those with learning or physical disabilities; mental health illness or other support needs, may have their behaviour perceived as anti-social and in such instances we will work with individuals, support providers and the community to find an effective solution. The needs of the vulnerable person will be handled appropriately and with sensitivity, and whenever appropriate, in partnership with other agencies whose support and input will be actively sought.

Disability or vulnerability however, will not be used as mitigation for ASB, and we will not overlook instances of ASB due to behavioural issues, although it will seek to address matters suitably taking into account the individual circumstances.

The City will take all practical steps to safeguard and protect any victim or perpetrator of ASB who is vulnerable. Should it become necessary to pursue legal action against such tenants the support agencies involved with the tenant will be consulted throughout the process and informed of the outcome.

Multi-agency & Partnership Working

The City of London Housing Service will adopt a multi-agency approach to prevent and resolve ASB, working in partnership with other stakeholders. Key stakeholders may include, but are not limited to:

City of London Police	Metropolitan Police	Other Local Authority Community Safety and ASB Teams
Social Services / Safeguarding Services	NHS Trusts	Youth Offending Teams
Tenancy Sustainment Teams	Environmental Health Teams	Social Landlords
Homeless Teams	Community Mental Health Teams	Substance Misuse Teams
Family Intervention Project	Victim Support	Probation Services

Discretion

This policy commits the Housing Service to dealing with ASB in a way that will always be fair and consistent across all cases of a similar nature. However, our services evolve and each case of ASB is likely to have its own unique set of individual circumstances. This means that, following appropriate consultation, we may occasionally use our discretion to vary our approach. Any changes to our standard approach resulting from such cases will be reflected and formally amended in our Policies and Procedures.

Monitoring this Policy

We monitor our policies to ensure they deliver the expected outcomes. Service standards, key performance indicators, audits and customer satisfaction surveys are typical of the monitoring systems in use but this will vary according to the policy.

Review

We will review this policy when a business need arises. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, practice or as a result of feedback from key stakeholders. Typically we review policies on a two yearly cycle.

Key Legal & Regulatory References

In tackling ASB, the City of London is aware of the requirement to comply with existing legislation and standards, and is aware of its responsibilities in relation to and implications arising from them. The main legislation relating to ASB includes, but is not limited to:

ASB Crime and Policing Act 2014	Human Rights Act 1998	Environmental Protection Act 1990
Equality Act 2010	Protection from Harassment Act 1997	Crime and Disorder Act 1998
Criminal Justice and Police Act 2001	Police and Justice Act 2006	Homelessness Act 2002
Domestic Violence, Crime and Victims Act 2004	Regulation of Investigatory Powers Act 2000 (RIPA)	The Mental Capacity Act 2005
The Mental Health Act 2007	Equality Act 2010	NHS and Community Care Act 1990
Safeguarding Vulnerable Adults Act 2006	Data Protection Act 1998	Freedom of Information Act 2000

Related Documents, Policies & Procedures

The provisions of this document have operational links to other policies and procedures as follows:

ASB procedure for staff (in development)	Domestic Violence Policy (2014)	Hate Crime Policy (in development)
Noise Nuisance procedure (under review)	Community Trigger procedure (2014)	Estate Management Procedures (handbook/guide)
Equality & Diversity Policy	Attending court guidance	Lettings & Housing Choice Policy
Data Protection Policy	Safeguarding Policy	Resident Engagement & Communications Policy & Procedure
Lone Worker Policy & Procedure	Vexatious Complaints Policy	Hoarding Procedure (in development)