



Anti-Social Behaviour Policy 2023

1. MANAGEMENT INFORMATION

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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

1. Introduction

1.1 Purpose of the Document [Renting Homes Wales update]

Previously Section 218A of Housing Act 1996 required social landlords to publish a statement of policy in relation to anti-social behaviour (ASB) and procedures for dealing with any occurrences of anti-social behaviour, with the implementation of Renting Homes Wales [2016] this section is no longer relevant within Wales however it is felt to be good practice to have such a Policy in place.

This document 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 and to provide guidance as to what constitutes prohibited Conduct [ASB], as defined under Renting Homes Wales [2016].

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

Chapters 7, Section 55 of the renting Homes Wales [2016] covers Anti-social Behaviour and other prohibited conduct and states clearly outlines what is prohibited conduct, this covered in more detail later on in this Policy Document.

Additionally, 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 the term Anti-social Behaviour can and does mean different things to different people, and what might appear to be acceptable behaviour for one resident, may not be acceptable to another. It should also be recognized that 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 appropriate advice and guidance will be given to the person reporting. This can be subject to review if there is a change or escalation in the circumstances.

Our approach focuses on tackling Anti-social Behaviour that either affects or is carried out by people living within our properties and our neighbourhoods. This includes Contract Holders and complainants, their family members (including children) or friends, owner-occupiers, lodgers or private Contract holders.

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. It is important to state that 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 Contract holders and their families.

- Provide guidance to our Contract holders 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, as appropriate, 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 Housing Management Team Our Policy Objectives are:

- To work with North Wales 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. Contract Holder and Landlord Responsibilities

2.1 Contract Holder Responsibilities

The Council's Contract Holders are subject to the terms of the Occupation Contract, which sets out the behaviour expected of them, and anyone else living at or visiting the property.

All tenants are provided with an Occupation Contract at the outset of their Occupational Contract and the clauses relating to anti-social behaviour are explained to them.

2.2 Occupational Contract

The Council has two Occupation Contracts currently being issued:

- New Secure Occupation Contract, which is issued to all new Contract Holders taking up occupation since 1st December 2022, when the Renting Homes Wales [2016] commenced
- Converted Secure Occupation Contract, which all existed Tenants who held a tenancy with the Council at the time Renting Homes Wales commenced.

Anti-social Behaviour is covered by a fundamental term which deals with what is known as Prohibited Conduct. It is a fundamental term of the Occupation Contract, which cannot be modified therefore the council cannot include additional terms within the Occupation Contract which relate to Anti-social Behaviour, however it can [and does] provide more detailed explanation for the Contract Holder.

It should be noted that any behaviour of the Contract Holder themselves is covered under Renting Homes Wales [2016] so any action can be taken directly against the Contract Holder by way of breach. If there are Joint Contract Holders then there is provision for action to be taken against either or both.

If the complaints of Anti-social Behaviour relate to the actions of someone who is not a Contract Holder, then the Contract Holder is deemed to be liable for their behaviour only if it can be proven that they [Contract Holder] allowed, incited or encouraged the behaviour – this is a fundamental change compared to the previous Housing Act, therefore a more robust approach will be taken when investigating complaints of Anti-social Behaviour concerning family, friends and visitors of Contract Holders.

2.4 Landlord Responsibilities

Approach to Dealing with Anti-Social Behaviour

We are committed to taking a victim centred approach in tackling anti-social behaviour, 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 will 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 based on evidence.

Working with Perpetrators

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 additional support in maintaining their Occupation Contracts 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 Contract Holders who are behaving or are affected by Anti-social Behaviour which can 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, incidents of Hate Crime, harassment, violence or criminal behaviour, the Council will aim to contact the complainant within one working day. Complainants should also be encouraged to report such incidents to North Wales Police

In less serious such as noise from visitors, animal nuisance, neighbour disputes etc then the Council will aim to contact the complainant within three working days.

It should be noted that in cases relating to noise, the complainant should also be encouraged to report the issue to Noise Pollution, Environmental Health as they have statutory powers to deal with Noise related cases. It should be noted that Environmental Health will not take third party referrals from the Enforcement Team.

Having the Enforcement Team deal with all complaints of Anti-social Behaviour allows for a consistent approach to investigation, evidence gathering and advice/support to complainants.

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 the safety of complainant a primary focus.
- Consider how best to support complainants
- Provide complainants with regular updates.
- Work as part of a multi-agency partnership e.g. with Police and other relevant agencies.
- Use informal and also legal remedies to solve the problem.

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 as 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.

Community Protection Notices

Community Protection Notices will be sought – in partnership with other agencies, such as North Wales Police.

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 may be 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.

Possession

Possession action may be sought against the Contract Holder or Holders on the basis of a breach of Occupation Contract

Seek a Court Order imposing a Standard Contract on the basis of the conduct [a prohibited Conduct Standard Contract].

It should be noted that in the circumstances of a Joint Occupation Contract, the Council may decide to seek an order to end the Occupation Contract for the Contract Holder who is causing the breach of Occupation Contract.

If the Council is seeking to end the Occupation Contract, Renting Homes Wales [2016] then it must follow the relevant guidance within the Act and serve upon the Contract Holder the relevant prescribed form [RHW23] and may commence proceedings immediately the RHW23 has been served.

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 one 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 type of behaviour.

3.5 Illegal Drugs

We will not tolerate any form of illegal drug activity by our Contract Holders, anyone living with them or visiting them and will work with North Wales Police and other agencies.

Where it is deemed appropriate the Council will use relevant legal remedies against anybody found perpetrating these types of crime. Examples of this including growing cannabis, dealing drugs etc.

3.6 Violence, Assaults or Threatening Behaviour

We will not tolerate the use of threatening, abusive or violent behaviour by Contract Holders and/or anyone living with them, visiting them towards their neighbours, Council

staff, subcontractors, agents or the wider community. The Council will work closely with the North Wales Police and other agencies and take appropriate action.

3.7 Neighbour Nuisance or Disputes

The Council recognises that people are different and are in some cases are likely to have different lifestyles, working pattern, beliefs 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 and in such incidents, it may be decided that no further action will be taken. However, we will not tolerate behaviour which does constitutes Anti-social Behaviour 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 and will provide support, where appropriate, to complainants, victims or witnesses. The Council 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 is 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 North Wales Police and other agencies as appropriate to ensure that witnesses feel secure and are supported throughout the process. The aim is

to alleviate any fears of intimidation, will include any referrals to victim support, keeping witnessing informed at all stages, target hardening measures as well as CCTV installation should this be deemed an appropriate measure of support.

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 and neighbourhoods within which there is wide diversity, we aim to value that diversity and aim to shape our services around the needs of our tenants.

Through the management of our homes and estates we aim to treat all Contract Holders 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 victim/customer focussed.

5.3 Complaints

Any complaints about how a case of Anti-social Behaviour has been handled are to be dealt with through the Council's Corporate Complaints procedure or through the community trigger. This information is available to anyone via accessing the Council's website or via a visit a 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.