



**Melton
Borough
Council**

Anti-Social Behaviour Policy

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1. Policy Scope

This anti-social behaviour policy will embed further the corporate strategies that have been set and look to deliver on our second priority of providing high quality council homes and landlord services.

Melton Borough Council strives to create high quality living environments for our customers, and we recognise that, left unchallenged, anti-social behaviour (ASB) will have a detrimental effect on our customers lives, and the reputation of the neighbourhoods that we manage.

Melton Borough Council will take a robust stance against ASB and will work with our customers and partners to act quickly and decisively wherever possible. Our overriding principle is that victims must be protected from those who perpetrate ASB, and the Council is committed to reducing ASB in its communities.

We will adopt a 'risk based' approach to tackling ASB, ensuring that our customers' needs are met, and resources are deployed effectively to tackle the problems our customers are facing.

We will ensure that the needs of complainants and witnesses are at the heart of what we do, and prioritised accordingly and we will be professional, courteous, and objective in the cases we manage and the actions we take.

2. Summary

2.1 Aims

The aims of our Anti-Social Behaviour Policy are:

- Ensure customers are dealt with sensitively and effectively, especially at times of personal grief and difficult circumstances.
- To ensure we make the best use of our housing stock.
- To provide a decision-making process that is consistent, clear, and fair.
- To ensure that all our processes and systems are inclusive.
- To ensure that we meet our statutory and regulatory responsibilities.

2.2 Scope

This policy applies to our customers living in the following tenure types provided by Melton Borough Council.

- Secure Tenancy
- Introductory Tenancy
- Nonsecure Tenancy
- Flexible Tenancy
- Licence Agreements
- Leasehold

In addition, this policy will apply to staff and contractors working for Melton Borough Council, living in one of our properties under one of the tenure types specified above.

Domestic Abuse is not managed through this policy and is not to be treated as anti-social behaviour. Cases of domestic abused will be managed through the Domestic Abuse Policy and we will act against perpetrators who remain in our properties.

2.3 Definition of ASB

We will use the definition of ASB outlined in section 2 of the 'ASB, Crime and Policing Act (2014) which states.

- (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

We recognise that ASB relates to the way it makes people feel, rather than a specific action. What one person believes to be a mild annoyance might be perceived by someone else to be extremely serious. Therefore, we will 'risk asses' each case to ensure that our approach and response is in keeping with the complainants' requirements.

Types of behaviour we may consider to be ASB include.

- Criminal behaviour
- Drug Related Activity (such as the possession or supply of illegal drugs)
- Using our properties for illegal or immoral purposes
- Verbal or Physical Abuse (including physical violence)
- Hate related incidents.
- Threatening behaviour.
- Rowdy or inconsiderate behaviour.

- Noise nuisance.
- Vandalism or Graffiti.
- Nuisance from Vehicles (such as revving engines or racing)
- Littering or fly tipping.
- Garden nuisance
- Misuse of communal areas

This list is not exhaustive.

For the purposes of this policy, we have also listed types of behaviour that we may not consider to be ASB. These include:

- Neighbour disagreements (unless these have an impact on the wider community)
- Household noise, such as doors closing, noise from household appliances such as vacuums and washing machines (at reasonable times)
- Cooking smells
- DIY (during reasonable hours)
- Noise from children playing (unless this includes verbal abuse or threatening behaviour towards others)
- Inconsiderate parking (unless this causes damage, blocks disabled or emergency access or presents a safety concern)
- Children falling out with each other.
- Noise from walking on laminate or concrete flooring
- Dogs barking (unless this is linked to neglect or at unreasonable hours)
- Cat roaming or fouling
- People being rude or giving you a 'funny' look.
- One off Parties
- Disputes on social media such as Facebook

This list is not exhaustive, and where we do not consider the matter to be ASB, we will provide appropriate advice to customers on how to resolve the matter themselves.

3.0 Policy Principles

3.1 Opening a Case

When we open a case, we will always assess the severity of the behaviour (risk to complainant) and will use the following categories.

- Category A - this includes (but is not limited to) hate-related incidents, physical violence, threatening behaviour and drug production or supply. We will make first contact within one working day.

- Category B - this includes (but is not limited to) verbal abuse, harassment, alcohol-related ASB, noise nuisance and criminal behaviours. We will make contact within three working days.
- Category C - this includes (but is not limited to) vandalism, animal nuisance, garden nuisance, fly-tipping, and vehicle nuisance. We will make contact within five working days.

The above is not an exhaustive list, and when opening a case, we will always offer a face-to-face meeting with complainants to discuss their reports.

We will always complete an action plan and risk assessment which will feed into the level of category and setting process in agreement with the complainant, to contain what we will do (and what complainants will do) to resolve the issue, and within what timescales.

Whenever we open a case, we will send written acknowledgement to the complainant to confirm (this might be via e-mail, text message or letter).

3.2 Case Management

We will retain clear records of all ASB cases for the purposes of evidence gathering, monitoring and quality checks.

All records will be kept electronically and will be kept up to date.

All cases of ASB will be reviewed regularly by a senior officer to ensure compliance with policy and procedure and to ensure positive progress in case management, including regular contact with the complainant.

Performance management/reporting will be monitored by the Assistant Director of Housing and the Tenancy Services Manager. This will be completed through a corporate performance dashboard which will include and build and understanding of our performance in the area and some valuable understanding for the new regulatory tenant satisfaction measures:

- NM01 covers antisocial behaviour in terms of volumes of **cases NM01: Anti-social behaviour cases relative to the size of the landlord.**
- Tenant perception indicator on ASB is **TP12: Satisfaction with the landlord's approach to handling anti-social behaviour.**

3.3 – Case Closure

We will always seek to close ASB cases with the complainant's agreement.

If we believe no more can be done to resolve a case, and the complainant disagrees then the case will be reviewed by the Senior Housing Officer or Tenancy Services

Manager who will either direct the Housing Officer to carry out additional actions or provide written feedback to the complainant as to why we cannot take the matter further.

When we evict customers for ASB we will make use of 'sensitive lettings' to minimise the risk of issues being repeated.

We will contact complainants within two months of the case closure to seek feedback and check the problem has been resolved.

3.4 Actions and Enforcement

To deal effectively with ASB the Council recognises that it is necessary to affect a long-term change in people's behaviour so that individuals can make alternative behavioural choices that are more acceptable to the communities within which they live.

The Council will take an uncompromising approach to the initiation of enforcement action for cases of ASB. However, the Council also recognises that behavioural change can be achieved in many other ways and will therefore explore all reasonable interventions that could bring about the desired change in behaviour and this will always be our initial focus whilst maintaining the right to take enforcement action, where appropriate.

As a landlord, the Council understands the importance of making our neighbourhoods safer places to live and the need to address anti-social behaviour as soon as we can. The Council's tenancy conditions clearly state tenant responsibility with regards to nuisance behaviour relating to the tenant, household members and any visitor(s) to the property. We will ensure that tenants are made aware of their responsibilities with regards to ASB at tenancy sign up and any subsequent visits.

Tenancy management's focus with tenants of the council will focus on supporting changes in unacceptable behaviours. This is in line with the Council's duties towards preventing homelessness where possible. An incremental approach will be taken to tenancy enforcement in line with the Tenancy Agreement.

The Council will take an approach to dealing with ASB, which is proportionate and appropriate to the behaviour being produced or complained about and table one below outlines some of the main actions we will take.

While the Council will do all that it can to reasonably prevent ASB, at the same time it will take proportionate enforcement action and will do so at the same time as employing preventative measures if necessary.

We will look to implement an incremental approach to ASB where it is reasonable and proportionate to do so and look to take steps to address behaviours and actions causing ASB. However, where the ASB is deemed to warrant us taking more serious action we can start at any of the stages we feel is reasonable and proportionate to do so to ensure our customers, staff, contractors are in a safe environment.

3.5 Table 1 – Potential Preventative Measures (not exhaustive).

Measures	Description
Mediation	Offering mediation to try to resolve issues and come to agreements between the complainants and perpetrators of ASB on a way forward.
Good Neighbour Agreements	These are informal agreements where neighbours agree to certain types of behaviour and can be a lever to improving relationships.
Referral to support services	There are a range of support services available, we will make referrals to suitable support agencies to help customers achieve a sustainable tenancy.
Warnings	Often it is appropriate to issue a warning, which could be either verbal or in writing.
CCTV	The Council has a network of monitored cameras that it provides to act as a deterrent for those who would commit acts of ASB. Evidence may also be collected on the cameras to support enforcement activity.
Acceptable Behaviour Contracts (ABCs)	A more formal agreement which outlines expected behaviour and highlights potential repercussions if they are breached. ABCs are formally signed by the offender, the Council and Police.

If early intervention and preventative measures are not successful in resolving issues, then proportionate enforcement actions will be considered.

Court cases may be taken which can result in fines, the issue of court orders, injunctions, and even imprisonment. In all cases these powers will be used proportionately and only when considered appropriate. Whenever enforcement powers are used, they will be in accordance with the principles set out in the Corporate Enforcement Policy. Generally, preventative measures will be pursued either before or alongside formal enforcement action.

3.6 Table 2 – Potential Enforcement Measures

Potential Enforcement Measures	Description
Extending an Introductory Tenancy & Notice of possession proceedings (Introductory Tenancies)	<p>The purpose of an introductory tenancy is to provide what the Housing Act refers to as a trial period. During this trial period MBC may end the tenancy without having to establish the grounds for possession as for a secure tenancy.</p> <p>This allows us the opportunity to form a view about the suitability of the tenant against how they conduct their tenancy with us during the trial period.</p> <p>The trial period is for 12 months but can be extended for a further 6 months if there are concerns over the conduct of the tenancy.</p>
Notice of Seeking Possession	<p>A Notice Seeking Possession is not an eviction notice. It is, however, a warning that you have broken the terms of your tenancy agreement. It is the first stage of legal action and means that we may apply to the court for possession of your home if you do not take action to address the breach of tenancy.</p>
Community Protection Notice (Undertaken by Community Protection Team)	<p>If there is evidence that a Community Protection Warning is not adhered to, a Community Protection Notice may be issued.</p> <p>The notice can direct any individual over the age of 16, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again.</p> <p>It would be a criminal offence if a person did not comply, with a sanction of a fine (or fixed penalty notice) or summons to court for non-compliance.</p>
Civil/ASB Injunctions	<p>To stop or prevent individuals engaging in anti-social behaviour. Issued in the County Court for over 18's and in the Youth Court for under 18's and to meet legal test, evidence shows that, on the</p>

	<p>balance of probabilities, the individual has engaged or likely to engage in behaviour that causes nuisance or annoyance, and the Court finds it just to impose an Injunction.</p>
<p>Possession Proceedings</p>	<p>If a Notice of Seeking Possession has been served and the behaviour does not improve or is not addressed, then we can consider whether we want to seek possession of the property.</p> <p>MBC must then apply to the court for possession of the property. If a possession order is granted at the hearing and the tenant(s) do not their home within the time limit provided, we can apply for a warrant of possession. This enables a county court bailiff or High Court Enforcement Officer to evict them from their home.</p>
<p>Mandatory Possession Proceedings Notice (Absolute Grounds)</p>	<p>Where ASB has already been proven in court, and the perpetrator is a Council tenant or a household member of a Council tenancy we can serve notice to regain possession of their property.</p>
<p>Closure Order (Undertaken by Community Protection Team or Police)</p>	<p>An Order which provides the police or Local Authority to close a premises, which is being used, or likely to be used, to commit nuisance or disorder. An initial Closure Order can close a premises for 48 hours however, if the disorder is of such a level, the police or Local Authority can apply to the Magistrates Court for an Order for up to a period of maximum 6 months, which can see a premises closed and access to the premises restricted.</p>
<p>Public Space Protection Order (Undertaken by Community Protection Team)</p>	<p>An Order designed to stop individuals or groups causing anti-social behaviour in a public space. Local Authorities have the powers to implements a PSPO and must be satisfied that the behaviour has a detrimental effect on the quality of life of those in the locality, be persistent in nature, and be unreasonable.</p>

Where appropriate the Council will publish enforcement action outcomes in the press or via the Council's social media platforms on a case per case bases, considering public interest, and the level of enforcement taken.

Although the Council will employ a range of measures to tackle ASB its **overriding principle is that victims must be protected from those who perpetrate ASB, and the Council is committed to reducing ASB in its communities.** This means that the Council will use all legal powers at its disposal and encourage partners to do likewise. To do this we may use various techniques including collation of evidence using both covert and overt CCTV, diary records and witness statements.

3.7 Partnership Working

To ensure that it tackles ASB effectively, the Council will work with several external partners and is committed to effective partnership working. Partners may include:

- Police (who will always lead on criminality in our area of operations)
- Registered providers of social housing.
- Leicestershire County Council
- Other teams in MBC
- Victim support agencies
- Probation
- Turning Point (drug and alcohol service)
- Schools and educational facilities
- Fire and Rescue Service
- Other local authorities, including town and parish councils.
- The Environment Agency
- Voluntary agencies and the third sector

By working with partners and sharing information, the Council can adopt the best method to deal with each individual case and in many cases enforcement action is jointly taken forward. Sometimes the Council may be the lead enforcement agency whereas on other occasions it may play a supporting role. This depends on the nature of the ASB, and the matters being enforced.

The Council is an active partner of Community Safety Partnership and any local Joint Action Groups to improve community safety generally and tackle ASB across the district.

3.8 Vulnerability and Safeguarding

Whilst accepting that being a victim of ASB is distressing for anyone who is affected, the Council recognises that for some people the impact may be far worse because of an identified vulnerability.

Vulnerable victims are likely to be disproportionately affected by ASB and vulnerabilities can be caused by a wide range of factors, such as isolation, a mental health condition, physical disability, age, or substance misuse.

Sometimes it will be necessary to make a safeguarding referral and cases that require this course of action will be additionally recorded as part of our corporate safeguarding procedures. Concerns about ASB and safeguarding often overlap which reinforces the necessity for strong partnership working.

3.9 Support for Vulnerable Perpetrators

We recognise that some complainants and perpetrators of ASB may be vulnerable and have specific support needs.

Where this is suspected we will make use of a proportionality assessment to evidence compliance with The Equalities Act (2010) and signpost individuals towards specialist support agencies who may be able to help

We will raise a safeguarding concern wherever necessary, to protect both witnesses, complainants, and perpetrators.

Where a vulnerable perpetrator refuses to engage, stops engaging or accepts support but the behaviour continues then we will then consider formal action to resolve the matter.

4.0 Regulation

- 4.1 Anti-Social Behaviour, Policing & Crime Act, 2014
- 4.2 Anti-Social Behaviour Act, 2003
- 4.3 Housing Act, 1996
- 4.4 Data Protection Act 1998 & 2003
- 4.5 Protection from Harassment Act 1997
- 4.6 Equalities Act 2010
- 4.7 Local Government Act 1972

5.0 Monitoring, Evaluation and Review

The Assistant Director of Housing Management is responsible for monitoring the implementation of this policy.

This policy will be reviewed every three years. In addition, it will be reviewed:

- Following information/ suggestions that the policy is not effective.
- To reflect any service enhancements; and/ or,
- Following the introduction of any relevant new legislation, regulations, or guidelines.