

Tenant and Leaseholder ASB Policy Briefing Note – 15 November 2024

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Introduction

The purpose of this briefing is to inform members on how ASB and Hate Crime is managed within the Housing Management Department, to highlight key areas of the draft Tenants and Leaseholders ASB policy (that was approved by the Executive Housing Working Group), to identify what roles and resources are available to assist with this process and to detail the main legislation that is used when enforcement procedures are necessary.

Legal and Regulatory responsibilities for the Council

The Regulator for Social Housing's Neighbourhood and Community Standard requires registered Housing Providers to have clear policies and procedures in relation to Anti-social behaviour and hate incidents. They need to detail how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing. Registered providers must clearly set out their approach for how they deter and tackle hate incidents in neighbourhoods where they provide social housing and enable ASB and hate incidents to be reported easily and keep tenants informed about the progress of their case.

Registered providers must provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to them. They must support tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance.

Registered providers must work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle anti-social behaviour (ASB) and hate incidents in the neighbourhoods where they provide social housing.

The Housing Act 1996 (as amended by the Anti-Social behaviour Act 2003, Section 12) and the Anti-Social Behaviour, Crime and Policing Act 2014 requires the local authority to publish a Statement of Policy and Procedures in relation to anti-social behaviour.

Section 12 of the Anti-Social Behaviour Act 2003 expects all social landlords to publish an Anti-Social Behaviour Policy Statement.

As part of the Tenancy Agreement each tenant is issued with a set of tenancy conditions by which they must abide. Leaseholders are issued with a lease agreement. These conditions were updated in 2020.

Introductory Tenants have far less rights than Secure Tenants and if the council take possession proceedings for ASB, the possession action is mandatory and provided the council has followed the law and its own policies, the court does not have the power to do anything, other than grant possession of the property back to the council. The action taken by the council does however have to pass the test of proportionality and reasonableness in its actions.

What is ASB and Hate Crime?

SBC has adopted the definition from the Anti-Social Behaviour Crime and Policing Act 2014 to define ASB. The definition means:

(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 definition of anti-social behaviour may take many forms and SBC take reports about noise, abusive behaviour, late night or frequent visitors, vandalism, graffiti, vehicle nuisance, nuisance pets, drugs, prostitution, alcohol abuse, illegal encampments, travellers fly-tipping and criminal behaviour very seriously.

Hate Crime is a criminal offence. It is defined as subjecting a person to harassment, victimisation, intimidation, or abuse because of their: race or ethnicity, disability (including mental illness and learning difficulties) religion or belief, sexual orientation, gender identity, age.

Different levels of ASB

A (High level) Criminal behaviour and, employee crime violence incident referral, hate related incidents, domestic abuse, physical violence, verbal/harassment/intimidation/threats, cuckooing, county lines drug dealing.

B (Medium level) Vandalism and damage to property, illegal encampments, nuisance from vehicles, alcohol, or drug related

C (Low level) Bins on boundaries, Dog fouling, fly posting, fly tipping, garden nuisance, misuse of communal areas or loitering, noise,

The grouping reflects the urgency with which staff will respond and the types of remedies that are likely to be considered:

- Category A and will be responded to within one working day.
- Category B cases will be responded to within 2 working days and
- Category C cases will be responded to within 5 working days.

Current Service Delivery

- Resident Services and the Anti-Social Behaviour Team, in partnership with the Police, tackle ASB issues and cases relating to tenants and leaseholders.
- Low level ASB is managed by housing officers and specialist support officers, linking in with Police, and use the Shared Legal Services Team, with a specialist in Housing law and Barristers for complex cases involving ASB such as Boundary disputes.
- Medium to high level ASB cases are referred to the ASB Officers. They meet every month with the Police to discuss current cases and exchange relevant information. There are regular professionals' meetings for the ASB cases with Resident Services, Income, Police, Social Care, Community Mental Health, children's schools and families and any other agencies working with the family/person. This enables the team to complete a comprehensive joined up approach for tackling ASB.
- Joint visits are carried out with the police to tackle a wide range of areas. There is an agreed protocol in place for sharing information so cases can be managed effectively and reduces the risk of ASB and protects the community. This can include street meets to areas where there are reports of ASB but not enough evidence, this also helps us get a better understanding of who is impacted by the ASB being caused.

- MAPPA (Multi Agency Public Protection Arrangement) meet monthly with Police, Health, Probation, housing, HCC and Mental Health. They look at high risk offenders and managing complex cases.
- Every report is subject to a risk assessment matrix. It is used to identify when a new complaint of ASB comes in to help assess how vulnerable someone is. It asks 14 questions based around the key factors of harm, and which are scored to give a total out of 34. The higher the number, the more vulnerable someone could be. This ensures the right support is put in place. This risk assessment is reviewed throughout the life of a case to ensure that the risk is reducing.
- Hate crime can take many forms including physical attacks, threats of attack, verbal abuse, or insults. A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime.
- Hate crimes and incidents can be confusing and frightening for individuals and can have an impact on entire communities. SBC encourages reporting as this may prevent these incidents from happening to someone else. An incident can be reported at one of the third-party reporting centres. Stevenage Borough Council is a third-party reporting centre and has several officers that are trained to deal with reports of hate crime. SBC work in partnership with Hertfordshire Beacon victim care centre who have specially trained staff that are able to offer help and emotional support. Stevenage police have a dedicated Hate Crime Officer that investigates reports of Hate Crime and attends events with SBC Officers.
- ASB and Hate crime cases can be very complex as the people involved may have mental health problems, personality disorders or they suffer from drug and alcohol related issues, and it is important that officers and councillors remain neutral when involved in any ASB or Hate Crime case.

All information relating to ASB cases is recorded on the REACT computer system which is secure and with access restricted to certain officers in specific roles. An ASB marker is placed on the NEC housing management system and if other teams need to visit, this will be flagged, and they can get more information from the ASB team as to whether this will affect their visit, or any measures need to be taken before visiting. If it is two people to attend this will be clearly flagged on the housing record.

A full information sharing protocol is in place with the police, so any criminal activity that takes place at a property can be used in evidence to support any action the council may wish to take for breach of tenancy conditions.

There are a number of key performance indicators relating to ASB and there are tenant satisfaction measures that we have to report so accurate reporting of and effectively dealing with ASB and Hate Crimes is really important. We measure satisfaction on both perpetrators and complainants to ensure that everyone is treated fairly and with respect. We also complete interim satisfaction surveys throughout the life of the case to see where we can improve on our services.

Examples of what the Council are doing around ASB

- The ASB officers have weekly contact with victims, offer personal alarms, have given out ring doorbells and refer them to Beacon for additional support. SBC have also moved fences and installed gates to help reduce the ASB tenants have experienced, installations of CCTV, have made referrals to give them additional security in the homes, and made referrals to children/adult care service, Single Point of Access, and the Community Mental Health Team. SBC support victims of Cuckooing/victims of crime that flee to and from another authority alongside Police.
- The ASB team are helping to deter ASB by having mobile CCTV cameras that can be moved to hotspot locations to help identify individuals causing ASB; this also acts as a deterrent for the

ASB to continue. SBC has put up CCTV signs to attempt to deter ASB behaviour and requests Police to have targeted patrols in hotspot areas; Neighbourhood Wardens also patrol in these areas. We look at environmental changes, such as removing benches if needed, installing bollards, installing fencing and lighting and work alongside garages and environmental health.

- The ASB Team always look at enforcement as a last resort to cases and will attempt to engage with perpetrator to resolve the ASB before taking formal action against them. This can include offers of mediation with victims where appropriate, as well as referrals to support services such as CMHT and Substance misuse services. If the ASB is not resolved after support is offered/put into place it is at this stage that formal action is considered, and this will start in the form of written warnings against both a person and/or their tenancy and voluntary agreements. Possession is always a last resort so will only be sought after in the cases where all other avenues have been explored.
- There has been a relaunch the ASB forum where people who have been through the ASB service attend and can give feedback on the service or get involved in service improvements or give their opinion on the service standards, for example. The first meeting will be held on 22nd November where they will discuss terms of reference and conduct of the group and consult on the draft ASB policy.
- The ASB team also hold regular professional's meetings with external and internal agencies to ensure that action is targeted and proportionate for what is being reported. Actions from these meetings are followed up and these can include conducting street meets in the local area with Police colleagues to see if anyone is impacted by the ASB and ensure they receive support.
- The ASB Team work closely with partners to visit individuals who are sleeping in tents and have been reported as an illegal encampment. Officers will conduct joint visits alongside the Rough Sleeper Team to ensure that they are offered support and guidance as well as being moved on from the location. Other services such as the No More Service is offered for those experiencing drug and alcohol misuse as well as offering food parcels to those who need it.
- The ASB team also attend Operation Urban once a quarter. This is an operation that involves ASB Officers, Police, the No More Service, and the Rough Sleeper Team. The aim of the operation is walk around hotspot locations across the Town Centre and Old Town to identify those individuals who are rough sleeping and attempt to engage with them and offer them the support services they may not be aware of.
- The ASB Team is currently involved in an SBC wide Graffiti Action Plan. This looks at what work we can do to stop graffiti being committed on our assets and how we bring enforcement action to those perpetrators who commit this offence. The ASB team is proactively working with the Police on this front and attempting to gain access to schools to educate young people on the impact that this has on the wider community.

Summary of the draft Policy

The aim of the policy is to set out the Council's commitment and intent in dealing with ASB and Hate Crime cases. It seeks to resolve all issues of ASB as quickly as possible, to the satisfaction of all parties. Enforcement of tenancy conditions is not always the most appropriate route to take, and eviction proceedings will always be seen as a last resort when all other avenues have been explored.

That said, where appropriate, SBC will act under the relevant Housing Acts and will also use the powers and tools available through the Anti-social Behaviour Crime and Policing Act 2014 to deal with and resolve ASB. The Council operates an Introductory Tenancy scheme, which enables us to act against new tenants that are in breach of the tenancy agreement.

The draft policy sets out:

- our approach to ASB and that we consider a number of aspects from prevention to rehabilitation.
- How we will protect and support victims, witnesses, and their families
- How we will work in partnership with the Police and other agencies to ensure we are effective in dealing with ASB complaints
- That we take a victim centred approach to Hate Crime and will act promptly and decisively to protect the person/s making the complaint.
- How we will involve the community in resolving ASB
- That we will advertise the ASB service and publicise the work we are doing in tackling ASB and Hate Crime
- The support provided to victims and perpetrators and that we will make referrals to specialist teams and agencies
- How we will involve victims and perpetrators, listen and act on feedback
- The consequences for perpetrators of ASB from warnings to notice of seeking possession.

Appendix A – Draft Tenant and Leaseholder ASB Policy 2024

Appendix B – Tenancy agreement