



ANTI-SOCIAL BEHAVIOUR PROCEDURES 2023

1. Introduction

1.1 The Anti-Social Behaviour (ASB) procedures have been written and developed to support Mid Devon Housing's (MDH) Anti-social behaviour policy.

1.2 It aims to provide clarity and consistency on the reporting, recording, monitoring and reviewing of ASB cases received by MDH.

1.3 After reviewing the ASB service and collating information from our tenants, we have been able to tailor the ASB service and ensure that tenants feel safe in their homes and communities.

2. ASB Definition

2.1 MDH uses the ASB, Crime and Policing Act 2014, section 2 (1) to define ASB as:

“conduct that has caused, or is likely to cause, harassment, alarm or distress to any person; conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or conduct capable of causing housing related nuisance or annoyance to any person”

2.2 MDH’s procedures aim to provide a framework for tenants and other users to:

- **Understand what is, and what isn’t classed as ASB**
MDH’s ASB toolkit is a useful tool to determine what is, and what isn’t classed as ASB. The toolkit is available to view [Anti-social Behaviour Toolkit - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/anti-social-behaviour-toolkit)
If a complainant is still unsure as to whether their issue is ASB, they should ring in and speak to their Neighbourhood Officer.
- **Support and empower tenants to deal with issues affecting them**
MDH provides support and information in order to empower tenants to deal effectively with issues around ASB, such as the ‘Dear Neighbour’ cards or the Noise App.
- **Ensure tenants are listened to**
MDH will take time to understand the effect and impact an issue is having on our tenants. Officers will triage calls appropriately and manage the expectations of the tenant and deliver successful outcomes.
- **Support tenants to get the correct help**
MDH will signpost tenants to appropriate support services, when appropriate. Tenants will be advised of additional support available, if MDH are not able to proceed with a case.
- **Ensure tenants feel safe in their homes and communities**

MDH works with tenants and partner agencies to prevent and tackle ASB in the community. ASB cannot be tackled in isolation and therefore, a combined approach with other agencies is necessary.

- **Keep tenants informed**

From the initial report of ASB, the complainant will be informed how and when they will be updated on the case, through an action plan. The action plan will be personal to the complainant and will determine how a complainant will be contacted and the frequency of contact.

3. MDH Response times

Category	Definition (examples are not exhaustive)	Response Time
High	<ul style="list-style-type: none"> • Reports involving serious risk to individuals or the neighbourhood. This may include a serious threat of violence • Reports of offensive graffiti • Reports of domestic abuse <p>Incidents that are of a serious nature and involve threats of violence or abuse, assault, criminal activity or drug dealing must be reported to the Police by phoning 101 or 999 (in an emergency) or reporting online</p>	1 working day
Medium	<ul style="list-style-type: none"> • Reports of behaviour that is persistent* and unreasonable and where mediation would not be an option 	3 working days
Low	<ul style="list-style-type: none"> • Initial reports of neighbour disputes or nuisance <p>MDH will not get involved with incidents such as:</p> <ul style="list-style-type: none"> • Parking issues outside your home • Civil disputes between neighbours – e.g. boundaries / fences • Day to day noise – e.g. washing machine, vacuum cleaners, babies crying • DIY • Ball games or children playing (unless they are causing a nuisance) 	5 working days
Anonymous Complaints	<ul style="list-style-type: none"> • Generally, these complaints will be recorded as information only. In the event of serious allegations, MDH will involve other agencies in order to take appropriate action. 	Recorded only – no further action

* Persistent for MDH means occurring 3 or more times over a period of 6 months

3.1 MDH recognises that there will be behaviour and/or activities in the community, which may be considered as anti-social as defined above, and may also be a breach of tenancy conditions, but does not meet the threshold for formal, legal action if pursued. For this reason, complaints may be considered as 'low level' or 'low risk' which do not have the same impact on the complainant and/or the wider community. The Neighbourhood Officer will assess the level of ASB and this will inform the response and actions available to resolve the issue.

3.2 MDH recognises the importance of pre-tenancy work as an important element of setting up successful and sustainable tenancies. This may include but is not limited to:

- Ensuring that a house is suitable for the applicant
- Checking they are able to access necessary services
- Investigating whether there are any previous issues relating to tenancy management that need to be addressed

4. Reasonable Adjustments

4.1 MDH aims to adapt our service to provide additional support to tenants or customers with a physical, developmental or mental health condition; with learning or communication difficulties; or with sensory impairments such as sight or hearing difficulties.

4.2 MDH Officers are trained to routinely ask if a person requires any reasonable adjustments.

4.3 A risk assessment will be completed for every opened case. This enables Officers to score the vulnerability of the complainant.

4.4 MDH Officers ensure that information is recorded on our Housing Management System and shared appropriately and will:

- Use a preferred method of contact where possible.
- Not require information in writing where this could create a barrier or difficulties for the tenant.
- Offer translation services where English is not the first language.

5. Contacting alleged perpetrators

5.1 MDH will contact the alleged perpetrator initially by phone, letter, email or visit detailing the allegations that have been made. If evidence exists that the allegations are proven, MDH will make it clear to the perpetrator what they need to do to prevent further action being taken. For example, this could include, stopping loud music playing past a certain time in the evening. In most cases, bringing the complaint to the attention of the alleged perpetrator will be enough to stop the behaviour. For this reason, we will, where appropriate, encourage our tenants to address the issue directly, before reporting it to MDH, as often, this may resolve the situation.

6. Gathering Evidence

6.1 MDH encourages the reporting of ASB incidents in a variety of ways and the most convenient way for the complainant. Reports can be made:

- Verbally (either face to face or over the telephone)
- Via email
- Via the online reporting form
- Via a third party on behalf of the person affected

When reports are received, they should contain as much relevant and factual information as possible to ensure that Officers can gather as much evidence at the initial point of contact as possible.

The initial contact provides an opportunity for the person contacting and the Officer collecting the information, to understand the impact the issues are having and for the Officer to provide initial advice and assistance.

Reports should include information such as (this is not an exhaustive list):

- What is happening
- Where and when it is happening
- How regularly it is happening or is it a one off incident
- Who is the person(s) involved
- What, if any steps have they taken to address the matter?
- Have they reported it to any other agencies, such as the Police or Environmental Health

When receiving a report, it will be triaged, categorised and recorded onto the Housing Management System.

It is important to note that case categories may change. An initial report may appear to have been resolved with advice only, or was a low level complaint, which escalates, and then can be re-categorised. Also, the reverse may happen where a case appears to be high-risk, de-escalates and then can be re-categorised on the Housing Management System.

7. Ways MDH will tackle ASB

Non-legal Remedies	
Mediation	Mediation is a voluntary process in which trained and experienced mediators act as a neutral third party to help people who are in dispute, work together to solve their problem
Environmental Health	If the ASB is viewed as a statutory nuisance by Environmental Health e.g noise, an abatement notice may be issued
Acceptable Behaviour Contract (ABC)	An ABC can be an effective way to deal with ASB. ABC's are written in agreement with the perpetrator and set out terms which must be adhered to.
Legal Remedies	
<p>It is imperative to consider before going down the legal route:</p> <ol style="list-style-type: none"> 1. if the action is proportionate to the scale of behaviour, and 2. whether all non-legal remedies been considered where appropriate. 	
Notice Seeking Possession (NOSP)	MDH can serve a NOSP if no other remedy is appropriate or has not worked. All details of the types of nuisance being caused should be included in the NOSP. If the tenancy is joint, a NOSP must be served on both tenants. MDH will follow relevant procedures (whether statutory or not) when seeking possession.
Notice before Proceedings for a Demotion Order	Section 83 Housing Act 1985 requires the giving of at least 28 days' notice of MDH's intention to seek a demotion order.
Injunctions	An injunction is a court order which requires a person to either do a specific act or acts, or to refrain from doing a specific act or acts.
Demoted Tenancies	Demotion is an alternative option to requests for possession orders and may be considered appropriate for more low-level forms of ASB
Possession	MDH can request possession of a property through the Courts (see Grounds for Possession – Supplement 1). MDH will follow relevant procedures (whether statutory or not) when seeking possession.

8. Monitoring and Reviewing

8.1 The cases recorded should be reviewed and monitored on a regular basis to determine if the appropriate actions and interventions have been applied to actively manage the case. When cases are reviewed if recent activity or action has occurred, they will be considered 'Active', if there is no current activity in relation to the case, then it may be considered 'Inactive'.

When reviewing the case, MDH may consider the guidelines below:

Case Reviews:

1. How long has it been active	Has the case been continually active or have there been patterns of activity?
2. What is being reported	Is it the same issue as at the beginning or has it changed?
3. What actions have been undertaken	What were the outcomes; what were the barriers, how were barriers overcome, or not?
4. Have actions, which have been previously agreed, been undertaken on both sides	Is the action plan working?
5. What advice has been provided	How successful was this advice; did it help the situation?
6. Is the information complete	Have actions, which have been previously agreed, been undertaken on both sides?
7. Quality of the information held	If the case is to be progressed to formal/legal action, is everything available to ensure there is sufficient evidence and a trail of steps undertaken?
8. Satisfaction	Has a satisfaction survey been completed; what was the feedback; how could we have delivered the service differently; what did we do well; what could we have done better?
9. Other Support	Have all other avenues of support been explored, both internally and externally?
10. Does the situation reach the threshold for a wider Community Trigger response?	Is all the relevant information collected and easily accessible?

Supplement 1 – Grounds for Possession

Section 84A of the Housing Act 1985 - Absolute ground for possession for anti-social behaviour

If the court is satisfied that any of the following conditions is met, it must make an order for the possession of a dwelling-house let under a secure tenancy:

Condition 1 is that:

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and
- (b) the serious offence—
 - (i) was committed (wholly or partly) in, or in the locality of, the dwelling-house,
 - (ii) was committed elsewhere against a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (iii) was committed elsewhere against the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and directly or indirectly related to or affected those functions.

Condition 2 is that a court has found in relevant proceedings that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, other than a provision requiring a person to participate in a particular activity, and—

- (a) the breach occurred in, or in the locality of, the dwelling-house, or
- (b) the breach occurred elsewhere and the provision breached was a provision intended to prevent—
 - (i) conduct that is capable of causing nuisance or annoyance to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (ii) conduct that is capable of causing nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 3 is that the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under section 30 of the Anti-social Behaviour, Crime and Policing Act 2014 consisting of a breach of a provision of a criminal behaviour order prohibiting a person from doing anything described in the order, and the offence involved—

(a) a breach that occurred in, or in the locality of, the dwelling-house, or

(b) a breach that occurred elsewhere of a provision intended to prevent—

(i) behaviour that causes or is likely to cause harassment, alarm or distress to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or

(ii) behaviour that causes or is likely to cause harassment, alarm or distress to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 4 is that—

(a) the dwelling-house is or has been subject to a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, and

(b) access to the dwelling-house has been prohibited (under the closure order or under a closure notice issued under section 76 of that Act) for a continuous period of more than 48 hours.

Condition 5 is that—

(a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under—

(i) section 80(4) of the Environmental Protection Act 1990 (breach of abatement notice in relation to statutory nuisance), or

(ii) section 82(8) of that Act (breach of court order to abate statutory nuisance etc.), and

(b) the nuisance concerned was noise emitted from the dwelling-house which was a statutory nuisance for the purposes of Part 3 of that Act by virtue of section 79(1)(g) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance).

Condition 1, 2, 3, 4 or 5 is not met if—

(a) there is an appeal against the conviction, finding or order concerned which has not been finally determined, abandoned or withdrawn, or

(b) the final determination of the appeal results in the conviction, finding or order being overturned.

Discretionary grounds: antisocial behaviour

For secure tenancies, the grounds for possession are set out in Schedule 2 of the Housing Act 1985. Ground 2 is a discretionary ground, which applies to nuisance or annoyance to neighbours or the landlord, or using the premises for illegal or immoral purposes. Ground 1 for breach of the tenancy agreement may also be used.

For assured tenancies, the grounds for possession are set out in Schedule 2 of the Housing Act 1985. Ground 14 is a discretionary ground, which applies to nuisance or annoyance to neighbours or the landlord, or using the premises for illegal or immoral purposes. Ground 12 for breach of the tenancy agreement may also be used.