



ANTI-SOCIAL BEHAVIOUR POLICY

2023

This policy was produced in 2023 and is version 1.5

This policy was adopted by Cabinet on 4th July 2023

Review Frequency: MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations.

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1 Introduction

- 1.1 Our policy sets out how Mid Devon Housing (MDH) manages anti-social behaviour (ASB). This policy applies to anyone living in, or visiting a property that is owned by us.
- 1.2 This policy does not apply to anyone living in, or visiting a property that is not owned by us.
- 1.3 MDH believes that everyone has the right to live in the way they want as long as it does not unlawfully spoil the quality of life of others, or breach the terms of their tenancy agreement.
- 1.4 We recognise that ASB can have a disruptive effect on neighbourhoods and communities, we are therefore committed to tackling ASB through early intervention and enforcement action.
- 1.5 MDH is committed to delivering an excellent service, working with and alongside our tenants to help prevent ASB.
- 1.6 This is an update to the ASB Policy 1.40 which was approved in 2015

2 Legal Framework and Context

- 2.1 Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes. Registered providers are required to publish a policy on how they work with relevant partners to prevent and tackle ASB. In addition, registered providers shall demonstrate:

- Tenants are made aware of their responsibilities and rights in relation to ASB
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- A strong focus on preventative measures tailored towards the needs of the tenants and their families
- Prompt and appropriate action to deal with ASB before it escalates, with focus on resolving the problem and having regard to the full range of tools and legal powers available

- All tenants can easily report ASB, are kept informed of the status of their case where responsibility rests with the Council and are appropriately signposted where it does not
- 2.2 The ASB Act 2003 inserted a new section into the Housing Act 1996 – s218A. Subsection (2) requires a social landlord to publish policies and procedures relating to ASB. Subsection (7) requires social landlords to have regard to relevant guidance issued by the Secretary of State when preparing or reviewing their ASB policies and procedures.
- 2.3 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice.
- 2.4 As part of the new consumer regulation regime, from April 2023, the RSH is introducing a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social landlords in England are doing at providing good quality homes and services. The TSMs include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants’ views on our performance which will include responsible neighbourhood management including ASB.
- 2.5 The TSMs under responsible neighbourhood management, particularly ASB, include:
- TP12: Satisfaction with the landlord’s approach to handling ASB
 - NM01: ASB cases relative to the size of the landlord

3 Policy Aims and Objectives

Aims

- 3.1 Within the legal framework and context set out in section 2, this policy aims to ensure that everyone has the right to live in the way they want as long as it does not unlawfully spoil the quality of life of others, or breach the terms of their tenancy agreement.
- 3.2 MDH aims to provide the right level of support to empower our tenants to tackle issues themselves, wherever possible.

Objectives

3.3 Our relationship with our tenants is a two way process with responsibility on both sides. We ask that our tenants take responsibility, with our support if needed, for looking after their home and respecting their neighbours, their community and our staff.

4 What is Anti-social Behaviour?

4.1 The ASB Crime and Policing Act 2014 Section 2 (1) defines 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”

Types of ASB	Examples of ASB incidents
Verbal abuse, intimidation, threatening behaviour and harassment	Threats to cause harm to an individual(s), persistent behaviours which cause harm or upset
Hate Crimes	Hate crime incidents based on race, sexual orientation, belief, gender, disability
Domestic Violence	Abuse of a partner or household member
Noise nuisance	Where there is a noise from persistent dog barking, loud music, DIY or loud music during unsociable hours
Communal nuisance	Where people are congregating near and around our properties and are causing rowdy/threatening behaviour or vandalism to MDH property
Animal related problems	Animals fouling in communal areas and animals not under proper control
Neighbour disputes	Two neighbours have a disagreement – for example over noise, boundaries, the communal area
Environmental abuse	Fly-tipping in communal areas, bonfires, graffiti, tagging etc.

Drugs, substance or alcohol abuse	Use and supply of illegal drugs. Alcohol related ASB. Cuckooing, prostitution and related behaviours
Vehicle related nuisance	Abandoned cars, unnecessary noise pollution from cars and car repairs on communal land
Other criminal behaviour	Violence against people and property. Arson, prostitution and other sex related offences, gang-related activities, gun and knife crime, social media abuse.

5 What is not ASB?

5.1 It is important to be tolerant of other people's lifestyles and to be understanding of these possible differences. Behaviour that results from different lifestyles, or which would not be considered unreasonable by most people is not ASB. Examples of this might include (This is not an exhaustive list):

- Lifestyle clashes
- Children playing or youths innocently congregating
- Ball games
- Parking disputes
- One off party
- Reasonable living noise such as lawn mowing, household DIY, hoovering, toilets flushing, doors banging, noise from household appliances, cooking smells

5.2 Where MDH believe the behaviour does not constitute ASB, advice will be given to enable self-resolution.

5.3 Tenants should refer to the MDH Neighbourhood Management Policy to establish ways to reduce complaints from your neighbours and prevent low level situations escalating into ASB complaints

6 Avoiding ASB and Neighbour Complaints

The recommended action would be to consider what might cause a nuisance to others and act accordingly. For example:

- Be considerate of your neighbours
- Do not carry out repairs or other works late at night
- Talk to your neighbours if you intend to have a party

- Do not play music, TV or instruments too loudly
- Keep dogs and other pets under control
- Be aware of where your children are playing, who is supervising them and what they are doing

7 Tenant responsibilities

- 7.1 Our tenancy agreement contains a section relating to the community obligations of tenants. This makes it clear that tenants must respect other people who live in their neighbourhoods. It clearly states: “Your home will be at risk if you cause anti-social behaviour, nuisance/ annoyance or carry out any illegal activities”. The tenancy conditions also prohibit tenants from inflicting violence or abuse or threatening behaviours against family members or other people. In addition, tenants are not allowed to abuse, assault, threaten, harass or obstruct our employees or agents, or Councillors whether in person, by telephone, in writing or in any other way (e.g. on social media), and whether at the property or elsewhere such as at our offices, in public or in the locality.
- 7.2 As a Tenant, you are also responsible for the actions of members of your Household (i.e. all persons living at the property) and Visitors (including children and pets) to your property and the locality. This means they too have to respect the terms and conditions of your tenancy agreement and if any of these are breached, this may impact on your tenancy.

8 Reporting ASB

- 8.1 Where it is possible, and safe to do so, it is always best to try and resolve situations yourself. Before reporting ASB, we ask that tenants review our ASB toolkit on our website, which is available at [Anti-social Behaviour Toolkit - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/anti-social-behaviour-toolkit). This will enable you to determine what is classified as ASB and what steps you may need to take before reporting incidents to us.

The toolkit provides some useful self-help tools, advice and guidance on how you as tenants can manage low level issues, typically those that would not be classed as ASB and dealt with by MDH.

- 8.2 When further action is needed, the Officer dealing with the case will look at all the evidence and, taking this into account, will work out what action is needed to ensure that there is a reasonable and proportionate response to the issues reported. The aim will be to resolve the case. We will always offer mediation as a first step to resolve the issue unless the case is High risk.
- 8.3 MDH requires full cooperation from those reporting ASB to enable a full investigation to be completed. This will include providing information regarding incidents, dates and times and could include completing diary sheets if necessary. MDH would expect you to fully cooperate in order to resolve any issues or dispute, this could be by attending mediation, providing witness statements or attending court as requested. Where the situation is more serious and may involve criminal activity, or where there is a requirement for MDH's involvement, then reports can be made in a number of ways including in person, by email, on the telephone or via direct message on social media.
- 8.4 We expect a reasonable level of tolerance between neighbours and will make fair evaluations on whether a complaint of ASB is reasonable. Please refer to the MDH Neighbourhood Management Policy for instances of neighbour disputes which are not determined as ASB and therefore do not form part of this policy.
- 8.5 There are some examples of what MDH would not generally consider to be ASB, as detailed in the Neighbourhood Management Policy. However, repeated low level incidents, that in isolation would not appear to be serious, may have a detrimental impact on a reporting party. If repeated incidents are having a harmful impact, or causing a risk, we may investigate in accordance with this policy.
- 8.6 MDH tenants who, with MDH's permission, have installed CCTV or camera doorbells, should ensure that they respect people's privacy rights and take steps to minimise intrusion to neighbours. Further information can be found in the MDH CCTV policy.

9 Response Times and Risk assessments

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 	1 working day

	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	
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. Day to day noise – e.g. washing machine, vacuum cleaners, babies crying • DIY • Ball games or children playing (unless they are causing a nuisance) <p>Boundary Disputes:</p> <ul style="list-style-type: none"> • Home owners whose properties share a boundary with one of our homes are advised that they should seek their own independent legal advice in the event of any queries on boundaries • We will try to clarify any queries by provision of a boundary plan and owner occupiers are advised to take their own legal advice if they have any concerns 	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

- 9.1 Once an incident has been reported to MDH, the Neighbourhood Officer for that area will be the point of contact throughout the case. A risk assessment will be completed to identify any vulnerabilities and an action plan created for the case.
- 9.2 Referrals will be made to appropriate support agencies, where necessary after completion of the risk assessment.
- 9.3 The Neighbourhood Officer will advise of the next steps and provide regular progress updates.

10 MDH's approach to tackling ASB

10.1 When we receive a report of ASB, we will consider if the behaviour complained of amounts to ASB and what action, if any, we can take. If we do not consider the report to be ASB, we will explain why and give appropriate advice on what action the customer may wish to take.

10.2 MDH has a commitment to try to prevent ASB and we do so in the following ways:

- At the point of signing up a new tenant, we will refer you to the terms and conditions of the tenancy agreement, including terms relating to ASB. Our tenant expectations and the consequences of adhering to the terms and conditions are made clear within the standard document. There is a video available which summarises the rights and responsibilities of our tenants and this can be found online at: [Moving in - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/moving-in) (see MDDC tenancy guide).
- MDH works closely with partner agencies to refer or signpost where appropriate.
- MDH actively publicises our commitment to tackling ASB through our social media posts, website and newsletters.
- MDH are signed up to Devon Home Choice (DHC), which is the choice-based lettings system that we use to allocate our properties. In line with the DHC policy, we refuse applicants to apply who have a history of serious ASB within the last 2 years.
- MDH ensures that comprehensive training is given to new Officers, and refresher training is provided regularly to ensure our staff are equipped with the necessary skills and knowledge to manage a variety of ASB issues.
- MDH will take a customer focused approach to tackling ASB, working together with the complainant we aim to agree actions, manage expectations and ultimately close the case within an appropriate timescale.

- MDH will investigate complaints of ASB, evaluate the evidence and work with complainants to agree an appropriate action plan.
- We will also work with the perpetrator to resolve matters.
- We will use the tools and powers available to us under the ASB, Crime and Policing Act 2014.
- We consider the Public Sector Equality Duty when taking legal action.

10.3 MDH recognises the importance of early intervention. There are several approaches that we may use, such as:

- Signposting to support agencies/services
- Written and verbal warnings
- Acceptable Behaviour Contract (ABC)
- Mediation
- Warning letters
- Community Protection Warning (CPW)

10.4 There are occasions where early interventions fail and therefore, more serious action is required. MDH work closely with other statutory agencies to take legal action. Some examples include:

- Community Protection Notice (CPN)
- Notice Seeking Possession (NOSP)
- Injunctions
- Closure Orders
- Forfeiture of lease action
- Seeking mandatory possession (ground 7a of the ASB, Crime and Policing Act 2014)
- Eviction

10.5 MDH will take all reasonable steps before taking legal action and any court action will be a last resort. Tenants should refer to the [Corporate Enforcement Policy](#) which details the factors which will impact the decision to take court action.

10.6 Legal action will take into account the capacity of the person reported as well as any issues raised under the Equality Act 2010 and will only be taken once a proportionality assessment has been conducted.

11 Supporting Tenants

11.1 MDH understands that ASB can have a detrimental impact on people's lives. We also understand that people are reluctant to report ASB for many reasons and therefore we aim to support the reporting party throughout the process.

11.2 MDH can:

- Arrange interpreters, if required
- Make referrals to support services
- Access noise monitoring equipment to gather evidence of noise nuisance
- Accompany those attending Court to give evidence on our behalf, and arrange transport to and from any hearings, as required

11.3 We aim to make the process of reporting incidents and gathering information as straightforward as possible.

12 Working with alleged persons reported

12.1 MDH will interview persons reported to make them aware of issues being reported. MDH will aim to arrange a meeting with the person reported to give them an opportunity to respond to the reported allegations.

12.2 After interviews with the reporting party and the person reported, the Neighbourhood Officer will make an informed judgement and decide on the most appropriate course of action for the case.

12.3 Where it is apparent through observations, direct reporting or third-party reporting that someone is in immediate danger or risk of harm, MDH will take appropriate action which may include the following:

- Informing emergency services
- Visiting/phoning the reporting party to carry out a risk assessment and agreeing an action plan
- Making social services aware if there are any safeguarding issues
- Securing the address with additional security if needed. For example, panic alarms, additional locks.

- 12.4 Whilst conducting interviews, the Neighbourhood Officer will ensure that early detection of vulnerabilities are assessed through a risk assessment. Any additional support needs will be met and referrals to support agencies completed where appropriate.
- 12.5 MDH work in conjunction with the East and Mid Devon Community Safety Partnership (CSP) and the tiered process adopted across the whole of Devon by all key partner organisations. In cases of a serious nature, we may ask the CSP to arrange a multi-agency meeting.

13 Partnership working

- 13.1 ASB cannot be dealt with by any one organisation or agency working in isolation. As stated above MDH works in conjunction with the CSP and other agencies and residents to tackle ASB together. This may include the Police, and formal groups convened to respond to issues associated with serious domestic abuse.
- 13.2 MDH uses formal information sharing protocols and partnership agreements which allows us to respond quickly to ASB.

14 Community Trigger

- 14.1 The ASB, Crime and Policing Act 2014 introduced the “Community Trigger”. This gives members of the public the right to request a case review, where the threshold for a review has been met. For more information on the community trigger process, please visit [Community Trigger \(Anti-social behaviour case review\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/community-trigger-anti-social-behaviour-case-review)

15 Domestic abuse

- 15.1 MDH believes that all our tenants should live without fear of abuse from a spouse, former spouse or partner, or another member of the Household. The government’s definition of domestic abuse is, “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”. The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional
- Coercive control
- Harassment and stalking
- Online or digital abuse

- 15.2 MDH is committed to offering victim-centred accessible support to any of our tenants suffering from domestic abuse.
- 15.3 We will aim to contact any tenant who is a victim/survivor of domestic abuse within 24 working hours of the abuse being reported.
- 15.4 Where our property has been damaged and the safety of the occupant(s) is at risk we will carry out emergency repairs within 24 hours.
- 15.5 All domestic abuse cases will be recorded on our systems and victims/survivors will be flagged as vulnerable, and perpetrators flagged for any potential risk.
- 15.6 Where it is apparent through observations, direct reporting or third-party reporting that someone is in immediate danger or risk of harm, MDH will take appropriate action which may include the following:
- Informing emergency services
 - Visiting/phoning the complainant to carry out a risk assessment and agreeing an action plan
 - Making social services aware if there are any safeguarding issues
 - Securing the address with additional security if needed. For example, panic alarms, additional locks.
- 15.7 As detailed in your tenancy agreement, you must not inflict violence or abuse, threaten violence or abuse against your Partner or former Partner, your children, your Partner's children or any other person living in your property or in another MDH property, such that the person can no longer live peacefully in the property. This includes all forms of abuse as set out above.
- 15.8 All staff receive mandatory training and will be expected to support our commitment to managing domestic abuse.
- 15.9 All information that we gather when managing cases of domestic abuse will be stored on our systems securely. We may have to share information with agencies including the Police or social services when a child or adult is at potential risk of harm.

15.10 For cases which meet the multi-agency risk assessment conference (MARAC) risk rating threshold or if we have child protection concerns, we have a legal duty to share this with other agencies. In cases where the threshold is not met, with the agreement of the victim/survivor, we will make referrals to other support services.

16 Harassment

16.1 As detailed in your tenancy agreement, you must not harass or threaten to harass on the grounds of race, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion and belief, sex, sexual orientation, disability, or any other reason that may interfere with the peace and comfort of, or cause offence to other persons residing, visiting, working or otherwise engaging in lawful activity in the neighbourhood or to any tenant, our employees or agents whether in the neighbourhood or elsewhere (for example at our offices). Nor must you allow, fail to prevent or incite anyone living with you (including children) or your Visitors to do any of these things.

16.2 Harassment can take many forms and can occur in a variety of settings. Some examples include:

- Verbal abuse
- Bullying or intimidation
- Hoax calls, abusive phone calls or texts messages
- Online abuse on social media platforms
- Malicious complaints
- Threats of violence

16.3 Where it is apparent through observations, direct reporting or third-party reporting that someone is in immediate danger or risk of harm, MDH will take appropriate action which may include the following:

- Informing emergency services
- Visiting/phoning the complainant to carry out a risk assessment and agreeing an action plan
- Making social services aware if there are any safeguarding issues
- Securing the address with additional security if needed. For example, panic alarms, additional locks.

16.4 Secondary actions that may follow an immediate response could be:

- Working with the complainant to compile evidence of harassment to support an application for rehousing through the Devon Home Choice scheme

- Providing advice and support for rehousing options
- Referrals to supporting agencies
- Enforcement action against alleged perpetrators where they are tenants of MDH

17 Confidentiality and data protection

17.1 MDH will explain to complainants that it may be necessary to disclose information to other statutory agencies such as the Police. Information will be shared with other agencies where there is a duty to do so, and/or whether information sharing protocols are in place.

18 Publicity

18.1 When appropriate, MDH may publicise successful ASB action to:

- Increase community confidence
- Inform stakeholders of our commitment to tackling ASB
- Deter offenders from committing acts of ASB

19 Complaints

19.1 We try to get things right the first time and when we do, we would love you to let us know. It's great for us to receive positive comments or feedback, so if you wish to complement our staff for doing a great job, we would love to hear from you.

19.2 If things do go wrong the council is committed to:

- Dealing with complaints and comments quickly and effectively; and
- Using complaints, comments and compliments to review and improve our services.

19.3 When you contact us to tell us you are dissatisfied with the service we have provided, we will offer you the choice to have an informal conversation to see if we can put things right quickly, without the need for a formal investigation.

19.4 The Housing Ombudsman Service advise that a complaint must be defined as:

'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents'.

19.5 Where a tenant considers that the Council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved ‘there and then’ by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.

19.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint (stage 1), which can be escalated to stage 2 if they are still not satisfied with the response. If having been through stages 1 and 2 they are still not satisfied, the tenant may contact the Housing Ombudsman Service.

19.7 MDH’s complaints procedure is detailed on the Council website: [Feedback and Complaints](#)

20 Equality Impact Assessment

20.1 MDH complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us make sure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

21 Summary of Additions and Policy Amendments

The following Policy amendments have been made:

Date	Clause	Current Wording	Amendment Made	Authorised by
06.01.25	2.3	Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is on its way through Parliament at the point of review and update to this policy and has been taken into account. It is expected to become law in 2023 and once implemented will impact the regulatory framework for	Delete as references the White paper	Simon Newcombe – Head of Housing & Health

		social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.		
06.01.25	8.5	Reference complainant	change to 'reporting party'	Simon Newcombe – Head of Housing & Health
06.01.25	10.6	Legal action will take into account an alleged perpetrator's capacity	change to 'Legal Action will take into account the capacity of the person reported	Simon Newcombe – Head of Housing & Health
06.01.25	11.1	we aim to support complainants throughout the process	Change to 'we aim to support the reporting party throughout the process'	Simon Newcombe – Head of Housing & Health
06.01.25	12	Working with alleged perpetrators	Change to Working with persons reported	Simon Newcombe – Head of Housing & Health
06.01.25	12.1	MDH will interview alleged perpetrators to make them aware of issues being reported. MDH will aim to arrange a meeting with the alleged perpetrator to give them an opportunity to respond to the reported allegations	change to : MDH will interview the person reported to make them aware of issues being reported. MDH will aim to arrange a meeting with the person reported to give them an	Simon Newcombe – Head of Housing & Health

			opportunity to respond to the reported allegations	
	12.2	After interviews with the complainant and the alleged perpetrator, t	change to 'After interviews with the reporting party and the person reported	Simon Newcombe – Head of Housing & Health
06.01.25	21	MDH will review this policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. 21.2 This policy was produced in 2023 and is version 1.5 21.3 This policy was adopted by Cabinet on 4th July 2023	Move Version Control to front sheet and add delegated decision statement.	Simon Newcombe – Head of Housing & Health