

# Tenant and Leaseholder Services

# Antisocial behaviour policy

## 1.0 Purpose and scope

Thanet District Council (TDC) is committed to tackling Anti-Social Behaviour (ASB) in a responsive, proportionate and robust manner.

The policy applies to:

- All TDC tenants and leaseholders
- Private tenants or owner occupiers that are affected by TDC tenants and leaseholders

Where TDC tenants and leaseholders are affected by the behaviour of private tenants and owner occupiers we will support them by referring the matter to the appropriate agencies.

This policy outlines what measures we take to:

- Prevent incidents of ASB from occurring.
- Investigate reports of ASB, in partnership with specialist agencies where appropriate.
- Use early informal intervention and warnings whenever possible to avoid ASB escalating.
- Encourage tolerance of, and respect for, others in the community.
- Provide clear expectations to complainants and alleged perpetrators.
- Take action to stop ASB, where there is sufficient evidence and it is in the public interest to do so.
- Support all residents to sustain their tenancy.

This policy applies to all residents, their household members and their visitors.

Domestic abuse and hate crime are covered through individual policies.

## 2.0 Definitions

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.

Some examples of behaviour that would be treated as ASB include but are not limited to:

- Intimidation and harassment.
- The fouling of public areas, graffiti, fly tipping and nuisance vehicles.
- Actual violence or threats of violence against people or property.
- Using or threatening to use housing accommodation to manufacture, supply or sell drugs, or for other unlawful purposes.
- Excessive noise nuisance.

### **What is not considered to be Anti-Social Behaviour.**

People have different lifestyles and we will be realistic when advising complainants what we can and cannot do.

We will not investigate the following:

- Behaviour occurring at unusual times because of different working patterns.
- One off parties where there is no evidence the incident will reoccur.
- Smoking or cooking odours.
- Clashes of lifestyle due to cultural differences.
- Noises arising out of the reasonable use of a property, as defined below.

Noise that arises out of reasonable use of a property, including:

- Babies crying.
- Children playing (including ball games).
- Dishwashers, hoovers, tumble dryers, washing machines and or other household appliances.
- General talking.
- Heavy footfalls (ie: people walking in the flat above).
- Loud talking or laughing.
- Sexual noises.
- Where there is no breach in the tenancy (ie: people staring or being inconsiderate).
- Noise transference due to poor sound insulation.

This is not an exhaustive list and may vary to include other low level nuisance issues.

## **3.0 Tenant obligations**

TDC is clear about the standard of behaviour expected from our residents before they sign a tenancy agreement. Whether unintentional or deliberate, they must not commit, or allow their family or visitors to commit: acts of ASB towards other residents, people in the local area, our staff or contractors. We stress that if ASB arises, it may lead to action being taken against them.

## 4.0 Preventing ASB

Wherever possible we will focus on preventative measures and early informal interventions and warnings to avoid the escalation of ASB.

We have measures in place to reduce the potential for ASB to occur, which include:

- Conducting regular inspections of the estates that we manage and promptly reporting repairs that compromise the security of a building.
- Carrying out sensitive lettings where we recognise that a vulnerable resident may be at risk of being harmed if they move into a specific property.
- Explaining to new residents what ASB is when they sign their tenancy.
- Publicising successful cases to ensure the wider community is aware of our commitment to tackling ASB.
- Dealing with ASB effectively using introductory tenancies (where applicable). Taking action if a new tenant breaches the conditions of their new introductory tenancy agreement.
- Working with Multi Agency Partnerships.

When necessary we will take enforcement action which will be measured, reasonable and proportionate based on the available evidence.

## 5.0 How to report ASB

ASB can be reported to TDC as follows:

- At our office or during a scheduled visit by a member of our staff.
- By telephone: our up to date contact numbers are available on our web site at [www.thanet.gov.uk](http://www.thanet.gov.uk)
- Online using our ASB reporting form at [www.thanet.gov.uk](http://www.thanet.gov.uk)

## 6.0 Dealing effectively with ASB

ASB covers a variety of activities that affect individuals in different ways, thus requiring a combination of enforcement action and intervention.

Anyone reporting ASB plays a key role in its successful management. Complainants are expected to co-operate with reasonable requests to assist TDC to progress reports of ASB. This may mean agreeing to self-resolution actions:

- Taking part in mediation.
- Keeping to appointments .
- Keeping records of incidents.

Further action to resolve the ASB may not be possible without reasonable cooperation from complainants, including:

- Providing witness statements.
- Attending court.

### **6.1 Responding to Reports**

Our initial response is to assess the risk of the alleged ASB, if a crime has been committed, we will advise the complainant to contact the police.

In determining the seriousness of the ASB and what the proportionate action for resolving it would be, we consider:

- The nature of the ASB.
- The frequency of incidents.
- Impact that the behaviour is having on the complainant and the wider community.

### **6.2 Early Intervention**

Except in very serious cases, the aim of our initial intervention is to stop the problem behaviour.

These interventions include but are not limited to:

- Written or verbal warnings.
- Joint visits with the Police or other agency representatives.
- Prompt action for repairs as a result of anti social behaviour e.g. the removal of graffiti.
- Referral to the Mediation Service.
- Acceptable Behaviour Agreements.
- Support for vulnerable alleged perpetrators on a case by case basis.
- Extension of Introductory and Starter Tenancies, where applicable..
- Multi agency partnership working.
- Community Protection Warnings (CPW) / Community Protection Notices (CPN).

### **6.3 Tenancy Support**

It is recognised that both complainants and perpetrators of ASB can be in need of support. Where this is identified referrals will be made to the appropriate support agencies.

We recognise the potential for vulnerable people who are the perpetrators of ASB to also be the victims of ASB because of the abusive and exploitative behaviour of others. In these cases we will make appropriate safeguarding referrals and referrals to support agencies where we cannot provide support ourselves.

### **Enforcement Action**

We will consider legal action where there is sufficient evidence of a tenancy breach and legal action would be in the public interest. Eviction is only considered either in exceptional circumstances or where all other interventions have failed.

As appropriate, we make use of:

- Legal notices.
- Injunctions.
- Mandatory possession.
- Discretionary possession.
- Closure orders.

In some circumstances, an ASB case may meet the threshold for an application to court for a possession order from the tenant on the absolute grounds. In order to apply for possession on the absolute grounds, one of the following must apply:

A tenant must have been:

- Convicted of a serious offence.
- Found guilty of a breach of ASB injunction.
- Convicted for a breach of their Criminal Behaviour Order (CBO).
- Had their property be subject to a Closure Order.
- Convicted of an offence of breach of their Abatement Notice.

## 7.0 Multi-agency and partnership working

We recognise that any one agency alone may not be able to resolve ASB in communities. We adopt a multi-agency approach to preventing and tackling ASB. And we work in partnership with agencies at both the strategic level (for example on the Multi Agency Task Force) and at operational levels (for example with local police).

We cooperate fully with the Community Trigger process to help resolve cases of ASB.

## 8.0 Closing the case

A case may be closed where:

- An investigation has been concluded, appropriate action has been taken and no further incidents have occurred over a given period (this will vary depending on the nature of the case)
- We are unable to gather sufficient evidence in order to take any action.

TDC will write to confirm when a case has been closed and outline the reasons for the case being closed.

## 9.0 References

Through the implementation of this policy, we will act in accordance with the relevant legislation as detailed below (this list is not exhaustive):

- The Housing Acts of 1985 and 1996
- The Anti-Social Behaviour Act 2003
- The Anti-Social Behaviour, Crime and Policing Act 2014.
- The Human Rights Act 1998
- The Equality Act 2010

The TDC tenancy agreement clearly sets out the standard of behaviour expected of our tenants.

## 10.0 Document control

Date	Version	Action	Amendments
	1	New policy	
31.01.22	2	Equality impact assessment	Insert headings. Add full stops and simplify language for readability and access for screen readers.