



ANTI-SOCIAL BEHAVIOUR POLICY (Housing Landlord)

THE MAYOR AND BURGESSES OF THE ROYAL BOROUGH OF KINGSTON UPON THAMES

DIRECTORATE OF PLACE

Reviewed by	Fiona McDougall	Authorised by	Sian Edwards
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1 Policy Statement

POLICY

- 1.0 At the Royal Borough of Kingston upon Thames (RBK), we are committed to responding and resolving anti-social behaviour to ensure tenants live in secure, well-maintained neighbourhoods and feel safe in their home.

We aim to achieve this by:-

- Taking action to stop the anti-social behaviour.
- We will not tolerate anti-social behaviour and will work to prevent and address anti-social behaviour involving or affecting our residents, employees, contractors and those representing us.
- We will investigate promptly and will use a variety of remedies to tackle anti-social behaviour, including preventative and enforcement measures.
- Taking a victim centred approach.
- We will adopt a harm/risk approach.
- The victims/complainants will be at the centre of our action and where appropriate, will direct the investigation.
- In circumstances where the incidents are of a violent or serious nature, we may decide to take action without the support of the victim/complainant.
- Where we accept that a complaint is anti-social behaviour, we will look to complete a Risk Assessment to help identify the risk levels.
- We will adopt a professional and objective approach when dealing with anti-social behaviour.
- We will assess the level of seriousness of the anti-social behaviour and will formulate a response in line with the seriousness of it.
- We will work together with other agencies to determine the most appropriate solution.

2. Defining Anti-Social Behaviour

2.1 Anti-Social Behaviour is defined differently depending on the legislation that is being used.

In summary it involves conduct which:-

- Can cause or is likely to cause harassment, alarm or distress to any person
- Can cause or is likely to cause nuisance or annoyance to a person's occupation of their residential home, or
- Is capable of causing housing related nuisance and annoyance to any person which includes any officer, agent or contractor employed by the Council.

3. Examples of Anti-Social Behaviour

3.1 Acts that may cause anti-social behaviour may include but are not limited to the following:

- Violence or threats of violence
- Hate related incidents (based on disability or perceived disability, race or perceived race, religion or perceived religion, sexual orientation or perceived sexual orientation, transgender or transgender identity)
- Harassment of another person
- Domestic abuse
- Illegal or immoral activity
- Drug dealing
- Vandalism and graffiti
- Aggressive or abusive behaviour
Regular disturbances such as playing loud music
- Drunk and disorderly behaviour through alcohol or drugs
- Fly-Tipping
- Barking Dogs (excessive or unreasonable)

Not all reports will be considered to be anti-social behaviour. Types of behaviour that may not be considered anti-social behaviour may include but are not limited to the following:-

- Lifestyle disputes where breaches of tenancy cannot be proved
- Disputes between children
- Parking disputes where no restrictions are in place
- Anonymous complaints

We will assess each report in turn when deciding whether the complaint is anti-social behaviour. When making an assessment, we will consider factors such as the frequency of reports and the circumstances of the complaint.

4. Categories of Anti-social Behaviour

We will prioritise our anti-social behaviour into 3 categories depending upon the level of seriousness.

The 3 categories are listed below:-

Category 1 – Response time within 1 working day

Category 1 cases are extreme cases that in our opinion require an urgent or immediate response. Examples of category 1 include but are not limited to the following:-

- Physical violence
- Criminal behaviour involving violence or threats of violence
- Hate Crime related incidents. The law recognises five types of hate crime on the basis of race, sexual orientation, transgender, disability, and religion.
- Arson
- Allegations of serious drugs/substance misuse and drug dealing
- Domestic abuse
- Child abuse
- Serious harassment
- Other forms of anti-social behaviour requiring an immediate response

Category 2 - Response time within 3 working days

Category 2 cases are serious cases that in our opinion require a priority response but not an immediate response. Examples of category 2 include but are not limited to the following:-

- Allegations of aggressive or abusive behaviour
- Regular disturbances such as noise
- Drug/substance and alcohol abuse
- Verbal abuse
- Other forms of anti-social behaviour requiring a priority but not immediate response

Category 3 - Response time within 5 working days

Category 3 cases are cases that in our opinion are a minor nuisance that do not require a priority or an immediate response. Examples of category 3 include but are not limited to the following:-

- Low level noise nuisance
- Pet and animal nuisance
- Other forms of non-urgent anti-social behaviour

5. Cross Tenure Issues

- 5.1 This Policy provides guidance on how RBK will deal with anti-social behaviour within our General Needs, Leasehold, Housing for Older People and Temporary Accommodation.

Leasehold, Housing for Older People and Temporary Accommodation often use different procedures because of the nature of their accommodation. Therefore, any enforcement action taken may vary depending on the tenure.

6. Expectations of Residents

- 6.1 We expect our residents to live in their homes without spoiling the peaceful enjoyment of others.

We expect our residents to be responsible for their own behaviour within the locality of the property and for the behaviour of members of their household and their visitors.

Where appropriate, we will initially encourage our complainants to solve their differences themselves by way of personal resolution. However we do understand that in some circumstances this is not always appropriate i.e. there may be suspected criminal activity involved in the anti-social behaviour.

If it becomes necessary for us to take enforcement action against a resident, we would need the Victim/complainant/s to report details of the anti-social behaviour incidents to us (and also the Police if criminal activity is involved). Where appropriate, we would ask a Victim/Complainant to help us gather evidence which may include completing diary sheets, providing noise app recordings, witness statements and acting as a witness in court.

7. Victim/Witness Support

- 7.1 We will take into consideration the views of victims, witnesses and complainants when assessing the action to be taken.

We will provide victims, witnesses and complainants with regular updates on the progress of the case.

Where appropriate, we will ask the complainant to confirm that they are happy for us to contact the alleged perpetrator before we make contact with them.

If it is considered appropriate and where resources are available, we may carry out improvements to the security of an individual's property i.e. providing additional locks or fireproof letter boxes.

When witnesses attend Court to support any action that we may take, we will arrange for them to feel as comfortable as possible at Court. Where necessary, we will arrange for the witnesses to attend Court prior to the hearing to familiarise themselves with the Court surroundings. Where appropriate, we can arrange transport to and from Court for our witnesses.

8. Anonymity

- 8.1 We will respect the Victim/Complainant's wishes if they ask us not to disclose their name. However, if a resident asks us not to disclose their details, we will ask them to provide us with an explanation as to why they wish to remain anonymous.

The Victim/Complainant does however need to understand and appreciate that any anonymised or redacted evidence to protect the identity of a resident, will be weaker evidence. The Court treats Anonymised statements as "hearsay" evidence but does allow for their admission.

Where Information Sharing Protocols exist, we may share information with other agencies to prevent and/or investigate anti-social behaviour. We will not disclose your details to any third party without your seeking permission.

9. Vulnerable Groups

- 9.1 RBK is aware that supporting vulnerable residents that are perpetrators of anti-social behaviour can positively reduce anti-social behaviour.

We are committed to supporting vulnerable residents. Examples of vulnerable groups are listed below (the list is not exhaustive):-

- People with mental health issues
- People with drug and alcohol dependences
- Older and vulnerable people
- Physically disabled people
- Supported housing residents
- Care leavers

RBK will support such groups by using where appropriate the following methods:-

- Making referrals to the relevant support agencies
- Working with partner agencies
- Arranging a Professionals' Meeting
- Refer cases where appropriate to the Community Marac (multi-agency risk and assessment conference)
- Attending multi-agency meetings such as the Safer Kingston Partnership meeting; the Kingston ASB Partnership Board and the Anti-Hate Crime Group
- Providing sensitive lets where possible

RBK is aware that there may be some cases where action may be taken before an offer for support has been made.

10. Preventative Action

10.1 RBK will endeavour to prevent anti-social behaviour in the following ways:-

- The Council adopted the use of Introductory Tenancies and will use the powers to deal with anti-social behaviour during the 12 months probationary period. We can also consider extending the probationary period for a further 6 month period.
- Designing new properties/developments to prevent and reduce anti-social behaviour
- Working in partnership with other multi-agencies to provide appropriate support to vulnerable residents
- Having a robust sign-up process that clearly explains the expectations of behaviour and identifies the relevant clauses in the tenancy agreement that relate to anti-social behaviour.
- Working with partners to identify areas of concern and doing targeted work within those areas

11. Non-Legal Remedies

11.1 RBK will use a variety of non-legal remedies to resolve the issues of anti-social behaviour. Examples of the remedies that may be used where appropriate include:

- Personal Resolution
- Mediation
- Face to Face Meetings
- Formal Warning Letter
- Acceptable Behaviour Agreements
- Parenting Contracts/Agreements
- Working in partnership with other agencies and Directorates within the Council i.e. Community Mental Health Team, and the Police

The remedies that will be used will be dependent upon the circumstances of each case and will be proportionate to the behaviour exhibited.

12. Legal Remedies

12.1 RBK will take enforcement action when appropriate. In most cases, RBK will in the first instance issue a formal warning of possible legal action if the anti-social behaviour continues. However, in some serious cases, warnings may not be appropriate and immediate legal action, such as a "Without Notice Injunction" may be required.

If the anti-social behaviour persists, RBK may consider the use of legal action. The type of legal action taken will depend upon the evidence available. Examples of the main legal remedies that we may use include the following:-

- Civil Injunction

- Closure Order
- Community Protection Warning
- Community Protection Notice
- Tenancy Demotion Order
- Public Spaces Protection Order
- Noise Abatement Notices
- Possession Proceedings

On occasions other agencies may have the most appropriate remedy to address the issues. In such circumstances we will work with them to support their action i.e. Criminal Behaviour Orders by the Police. The Police will usually lead on taking Closure Order action.

The action that RBK may take will depend upon the circumstances of each case and will be proportionate to the behaviour exhibited.

RBK will take into consideration the Equalities Act 2010 and the Human Rights Act when assessing the appropriate action to take.

13. Multi-Agency Working

- 13.1 RBK recognises that the development of effective strategies to tackle anti-social behaviour will usually require a multi-agency approach. Where appropriate, RBK will work with a number of partnership and statutory agencies such as the following:-

- Police
- Social Services
- Environmental Health
- Youth Services
- Fire Service
- Community Safety Team
- Voluntary Agencies
- Calm Mediation
- Other Social Landlords
- Other departments within RBK

RBK will proactively participate in multi-agency forums to solve and prevent anti-social behaviour. Examples of the multi-agency forums include but are not limited to:-

- Community MARAC (Multi-Agency Risk and Assessment Conference)
- DV (Domestic Violence) MARAC
- Joint Action Group
- IOM (Integrated Offender Management) Meetings
- Child Protection Conferences
- KVAMA Panel
- Anti-Hate Crime Group
- VASA Panel
- Rough Sleepers Panel
- Professionals Meetings to discuss individual cases

14. Information Sharing and Confidentiality

14.1 RBK will follow the legal conditions relating to the personal information as defined in the Data Protection Act 2018.

RBK are signed up to the relevant Information Sharing Protocols to enable the sharing of information.

The rules under the Data Protection Act in relation to the non-disclosure of personal information do not apply when the information is needed for existing or future court proceedings, including proceedings in the criminal courts.

15. Continuous Improvement

15.1 RBK are committed to service improvements. The steps that we will take to ensure this occurs include the following:-

- Staff Training
- Resident Training
- Regular Case Reviews
- Seeking customer feedback
- Where appropriate, consulting with residents prior to making service changes.

16. Media Strategy

16.1 We may publicise successful actions taken against those committing anti-social behaviour.

17. Equality and Diversity

17.1 We are committed to providing services which are appropriate to the needs of residents. We will treat others fairly and without discrimination.

We will ensure that our services relating to this policy are accessible and available for all as set out in the requirements of the Equality Act 2010.

An Equality Impact Assessment has been completed to assess any impact this policy will have on equality.

18. The ASB Case Review (formerly known as the Community Trigger)

18.1 We acknowledge that there may be occasions when a Victim/Complainant is dissatisfied with the way that their anti-social behaviour case has been dealt with. The purpose of the ASB Case Review is to give Victims/Complainants and Communities the right to request a review of

their case and for agencies to work together to find a solution.

A case will be reviewed if:

- The local threshold for the Case Review to be carried out has been met.

In order for the case to meet the case review threshold the Victim/Complainant will need to

- have made all the reports within a six month period
- have reported each incident within one month of it happening
- have written consent if reporting on behalf of someone else
- not have an ongoing report that is still being dealt with

If the threshold has been met, an independent review will be carried out by the Safer Kingston Partnership who will look at all actions previously taken and decide whether additional actions are possible to find a solution. The Safer Kingston Partnership will consider the persistence of the anti-social behaviour, the harm or potential harm caused by the anti-social behaviour and the adequacy of our response to the anti-social behaviour. The Victim/Complainant will then be informed of the outcome of the review and where further actions are required, an Action Plan will be discussed with the Victim/Complainant.

19. Reporting Anti-Social Behaviour

If you have access to the Internet, please report the ASB via the Council's website using the following link: -

<https://www.kingston.gov.uk/policing-community-safety/antisocial-behaviour/2>

If you are unable to report the ASB via our website you can telephone or email your Tenancy Services Officer (previously known as your Housing Officer). If your Tenancy Services Officer is not available you can also email the team at tenancyservices@kingston.gov.uk

You can also call the Contact Centre on 020 8547 5003 and ask to speak to the Duty Tenancy Services Officer.

20. Support for Victims of Anti-Social Behaviour

Victims of Anti-Social Behaviour can also receive support and advice from:

- ASB Help. You can contact them via their website www.asbhelp.co.uk or by telephone on 01708 765200
- Victims Support. You can contact them via their website www.victimsupport.org.uk or by telephone anytime on 0808 1689111

21. Reporting Hate Crime

If you have access to the internet, please report Hate Crime via the Council's website using the following link: -

<https://www.kingston.gov.uk/policing-community-safety/hate-crime>

If you are unable to report the Hate Crime via our website you can telephone or email your housing officer directly, or email housingofficers@kingston.gov.uk

Hate Crime should also be reported to the Police on 101 (999 in an emergency).

22. Support for Victims of Hate Crime

If the Hate Crime relates to racial discrimination and associated inequalities you can contact the KREC (Kingston Race and Equalities Council) for support or your Housing Officer can make a referral on your behalf.

You can find out more about KREC using the following link: -

<https://kingstonrec.org>

23. Review of Policy

We will review the Policy every three years and make necessary changes when appropriate.

We will consult with our residents prior to making any changes to the policy.

24. Associated Documents/Reference

- Anti-Social Behaviour Procedure
- Domestic Abuse Policy
- Equality Act 2010
- Housing Acts 1985 & 1996
- Allocations Policy and Procedure
- Safeguarding Adults Care Act 2024
- Working Together to Safeguard Children Statutory Framework 2023
- Introductory Tenancy Policy
- Vulnerable Adults Policy
- Resident Engagement Policy
- Tenancy Management Policy