



Exeter City Council Housing Services

Anti-Social Behaviour (ASB) Policy 2024 – 2027

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Introduction

- 1.1 This Anti-Social Behaviour Policy tells you what Exeter City Council Housing and Development Services (ECC Housing) defines as 'anti-social behaviour' (ASB) and sets out how ECC Housing responds to a report of anti-social behaviour and details the service quality ECC Housing will provide.
- 1.2 ECC Housing believes that no-one should tolerate anti-social behaviour. ECC Housing works in partnership with other agencies and will use appropriate tools and powers available to local authorities to address anti-social behaviour.
- 1.3 The policy sets out our approach to fulfilling our duties as defined by the Crime and Disorder Act 1998. The Act requires ECC Housing to work with the police and other agencies to reduce crime and disorder in Exeter. ECC Housing makes a significant contribution to dealing with anti-social behaviour of all kinds and undertakes both investigations and prevention activities.
- 1.4 Because ECC Housing has a duty to respond to ASB affecting the properties we manage, our landlord duties and powers complement the duties and powers we have to deal with anti-social behaviour by non-council tenants.
- 1.5 ECC Housing has a range of legal powers to deal with environmental anti-social behaviour such as noise, graffiti, litter, fly-tipping and abandoned vehicles. These responsibilities come from a number of legal instruments and local byelaws, but in particular from the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Anti-social behaviour, Crime and Policing Act 2014.
- 1.6 ECC Housing will not normally undertake case investigation for ASB cases within other social landlords and private landlord's properties. We may offer support and assistance in exceptional circumstances.
- 1.7 Exeter City Council's Safeguarding Policy sets out how we respond to a report of abuse or neglect to a child, young person, or adult with unmet care and support needs. It is common for safeguarding concerns to arise at the initial report stage or during an anti-social behaviour investigation. The requirements of the Safeguarding Policy take primacy over this policy.

Policy Statement

- 1.8 Exeter City Council considers anti-social behaviour to be:
 - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises

- Any act that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household
- Using or threatening to use Council property for unlawful purposes.

1.9 ECC Housing will not normally investigate the following behaviours under this policy:

- Children playing in a public place or a garden
- Neighbour complaints regarding boundary disputes and other property matters, for example, location of waste receptacles, cooking smells, smoking and untidy gardens
- Noise from vehicles on the highway carrying out their routine activities,
- Noise from emergency service vehicles, aircraft, helicopters or other motorised airborne vehicles and noise from demonstrations
- Reasonable living noise in domestic settings such as lawn mowing, household DIY, crying, loud talking, toilets flushing, sexualised noises, banging doors and noise from household appliances
- Cycling, skateboarding, or riding e-scooters on the pavement and reports of inconveniently or illegally parked vehicles
- Obstruction of the highway and pavements. These should be reported to the Highways Authority or to the police if there is an obstruction of the highway.
- Alcohol consumption in a public space that is not causing anti-social behaviour
- Sporadic noise from late night revellers moving through public spaces.
- Flying drones should be reported to the Civil Aviation Authority or the police
- People because they are homeless or rough sleeping in the City Centre for example, situations such as these will be looked after under the auspices of our Homelessness and rough sleeping prevention strategy.
(<https://exeter.gov.uk/media/x1nftpcz/homelessness-rough-sleeping-prevention-strategy-2023-2027-web.pdf>)

This list is not exhaustive

1.10 ECC Housing in relation to ASB is not an emergency response service. Incidents where there is an immediate risk of harm to person or property must be reported to the police or other appropriate emergency service. Incidents of a criminal nature must be reported to the police, for example, drug dealing. The police are the lead response and investigatory service for criminal offences. ECC Housing work closely with the police and will consider criminal behaviours when investigating an anti-social behaviour case, seeking clarification about criminality when necessary.

1.11 Anonymous complaints will be investigated only where sufficient detail and/or evidence is provided. It is important for us to be able to speak to a complainant about the behaviour about which they are concerned. We will not disclose a complainant's personal details to the alleged perpetrator of the behaviour. Where it is necessary to speak to the alleged perpetrator, the complainant will be advised prior to a contact.

- 1.12 In order to investigate reports of anti-social behaviour we rely on evidence supplied by complainants and witnesses. We will not investigate cases where no evidence nor details of the case is provided.
- 1.13 Many incidents of anti-social behaviour can be resolved by the parties involved with no involvement by ECC Housing or other agencies. ECC Housing will encourage this course of action, whenever appropriate. In some circumstances mediation between both parties will be suggested; this could be through the Devon Mediation Service for example.
- 1.14 Anti-social behaviour cases are categorised to determine ECC Housing's response time as described below.

Category 1 ASB:

An immediate (same day) response may be necessary in some cases, we will respond within three working days, but will endeavour to contact the victim or referrer sooner.

The definition of Category 1 ASB is:

- Behaviour that presents a risk of serious harm to individuals or the peace of the neighbourhood and which may include violence, serious threats of violence or other criminal activity
- Any complaint where there have been previous incidents, and it appears to the case officer that a greater risk has developed or may be developing

Category 1 includes the following types of anti-social behaviour:

- Hate related incidents (hostility towards a person's race, sex or ethnicity, sexual orientation, disability, religion or belief, or transgender identity) Note: we will respond to hate related incidences within 24 hours
- Physical violence and threats of harm
- Child or adult safeguarding including cuckooing (see note below)
- Domestic abuse
- Kerb crawling and aggressive, predatory and intrusive sexual behaviour
- Serious harassment, intimidation and threatening behaviour
- Racist or offensive graffiti following a report
- Threats to Exeter City Council staff or people representing the Council including tenants when they are participating in activities or initiatives on behalf of the Council
- The use of aggressive animals as weapons
- Other forms of serious anti-social behaviour, which in ECC Housing's opinion, need priority.

Note: All ASB that is deemed to be criminal activity will be reported to the police such as cuckooing which is defined as: 'the act of exploiting another individual in order to use their home or premises for illegal activity'

Category 2 ASB

The target time for first contact with victim or referrer is within five working days

The definition of Category 2 ASB is:

- Behaviour that presents a risk to public health or nuisance.

Category 2 ASB includes:

- Noise disturbances due to unreasonable behaviour not excluded in section 5.
- Verbal abuse, written intimidation and harassment
- Allegations of sex working and sexual acts
- Other forms of serious anti-social behaviour, which in ECC Housing's opinion, need priority but do not warrant an urgent or immediate response
- Minor noise nuisance
- Untidy gardens or feeding wildlife that may harbour or attract vermin or present a public health risk
- Litter, incorrect refuse disposal from domestic and commercial properties, fly tipping and dog fouling
- Running a business without permission that impacts on the neighbourhood
- Nuisance from vehicles such as untaxed vehicles and car repairs
- Damage to the natural environment such as trees and planted areas.

1.15 Reports of ASB will be treated seriously and dealt with professionally. We will:

- Assess the ASB reported to us and act in accordance with our service standards
- Ensure that criminal activities reported to ECC Housing are referred on to the police
- Treat all reports as personal information under the General Data Protection Regulations 2018 and we will not disclose personal information unless required to for such purposes as a prosecution, a safeguarding concern, where it is in the public interest or with the persons consent
- Share information with other organisations for the prevention or detection of crime or disorder, in accordance with data protection laws and information sharing agreements
- Register each case, give it a unique reference number and named case officer
- Fully investigate the complaint, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses

- Refer cases between the different departments of the City Council including Environmental Health and to other agencies, as necessary
- Provide links to where our tenants can seek victim support-these will vary on a case-by-case basis
- Ensure cases are not open longer than is deemed necessary and inform the complainant, using their preferred method of correspondence
- Respond promptly to complaints about the service
- Explain our reasons should we choose to take no action, and suggest self-help or other alternative courses of action, including private legal proceedings.
- Maintain regular contact and updates to the reporting person and where appropriate provide an action plan

1.16 ASB will be addressed firmly, fairly, proportionately and holistically. We will:

- Prioritise responses to the most serious cases, based on the details of the case, taking any necessary early action to protect people and property
- Investigate the circumstances and seek to understand all the facts of any matter reported to us
- Seek always to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health
- Use the legal tools and powers available to us according to our professional judgment
- If legal action is not successful, we will continue to investigate any new reports of ASB in line with this policy
- Consider and adjust our approach as necessary when a victim or a perpetrator is a vulnerable person, providing support where necessary
- Support perpetrators to help them with behaviour change, referring them to the appropriate services for this
- With the consent of the people involved, refer suitable cases to mediation

1.17 We will work with our partners to deliver an effective ASB service for our communities. This will include participation in multi-agency partnerships with organisations such as registered providers (of social housing), private landlords, letting agents, the police and other Council services. We will provide support and advice to these organisations to enable them to confidently prevent and tackle ASB.

1.18 We will deliver a high-quality service by ensuring that our staff dealing with ASB are trained in all relevant legislation (including equality, diversity and inclusion, mental health and safeguarding). We will also ensure that our staff comply with agreed policies and procedures and take feedback from service users on their satisfaction with the ASB service. Mediation training will also be provided to staff.

1.19 We will ensure that all possible non-legal remedies have been tried and exhausted before considering possession. Non-Legal remedies might take the form of

Acceptable Behaviour Contracts (ABC's) Good Neighbour Agreements, referrals to specialist support services or mediation

- 1.20 We will always look to resolve the ASB using legal and other remedies and eviction (through the usual Court processes) is an action that can and will be used after all other options have been exhausted. Before we consider enforcement action, we carry out a case conference and Desktop Review to ensure that we have fully understood any Equality needs of the tenant and take account of any Reasonable Adjustments we should be making for them
- 1.21 If we are at the point where the behaviour has continued, but we are satisfied that the person does have the capacity to understand their actions, but chooses not to adhere to their tenancy, we can pursue a possession, but ask for a lesser judgement such as a Suspended Possession Order to give the tenant one last opportunity to engage with us and sustain their tenancy.

Relevant legislation

Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities, social housing providers and partners with a new range of powers to tackle anti-social behaviour. The Act introduced the Anti-Social Behaviour Case Review, commonly referred to as the Community Trigger, a mechanism for victims of anti-social behaviour to request a review of their case where there has been no effective action.

This document fulfils the requirements of section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) regarding the publication of the ASB procedures of a local authority landlord. This policy underpins Exeter City Council's statutory duty under the Crime and Disorder Act 1998, which places a legal duty to work in partnership to tackle the city's crime and disorder priorities. Section 17 of that Act states: "each authority needs to do all it reasonably can to prevent crime and disorder and to ensure services give due regard to crime and disorder."

https://assets.publishing.service.gov.uk/media/6422a19b60a35e00120cae63/2023_Update_ASBSB_Statutory_Guidance_-_FINAL_1_.pdf