



# Anti Social Behaviour Policy

## **1.0 Purpose of the Policy**

- 1.1 The purpose of this policy is to outline how Maidstone Borough Council will manage anti- social behaviour (ASB), including hate incidents or crimes.
- 1.2 Maidstone Borough Council acknowledges that ASB can have a significant negative impact on tenants and their living environment. Therefore, the Council adopts a preventative approach and ensures that incidents of ASB and hate crimes are taken very seriously.

## **2.0 Policy Objectives and Scope**

- 2.1 This policy applies to all reports of anti-social behaviour, which have taken place within the locality of Maidstone Borough Council homes, by people who live in or visit any property owned, part owned or managed by the Council.
- 2.2 This policy covers Maidstone Borough Council's responsibility to:
  - Tackle ASB and hate related incidents and crime
  - Prevent anti-social behaviour
  - Commit to effective partnership working
  - Support tenants and victims
  - Assist and train staff to tackle ASB and hate related incidents and crime
  - Abide by regulatory and legal requirements

## **3.0 Legal/ Regulatory Framework**

- 3.1 Maidstone Council will ensure all relevant legislation and guidance is met:
  - The Housing Act 1985 Ground 2
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  - Environmental protection Act 1990
  - Noise Act 1996 Section 2
  - Police Reform Act 2002
  - Anti-Social Behaviour Act 2003
  - CRE Code of Practice on Racial Equality in Housing 2006
  - The Respect ASB Charter
  - Anti-Social Behaviour, Crime and Policing Act 2014
  - Regulation of Investigatory Powers Act 2000
  - Kent and Medway Information Sharing Agreement
  - Dangerous Dogs Act 1991
  - Race Relations (Amendment) Act 2000
  - Anti-social Behaviour, Crime and Policing Act 2014
  - Localism Act 2011

## 4.0 Key Terms and Definitions

### 4.1 Anti-Social Behaviour

The Antisocial Behaviour, Crime and Policing Act 2014 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.

### 4.2 Harassment

The Equality Act 2010 has defined harassment as:

- Any unwanted behaviour affecting a person's well-being or dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

### 4.3 Hate Crime

A hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's:

- Race
- Religion
- Sexual orientation
- Transgender identity
- Disability

Reports of hate crimes will be dealt with as a high-risk case of ASB.

### 4.4 Domestic Abuse:

Domestic Abuse is defined as any incident(s) of controlling, coercive, threatening behaviour, violence, or abuse between those who have an interpersonal relationship. This can include, but is not limited to, the following:

- Coercive control (a pattern of intimidation, degradation, isolation and control with the use or threat of physical or sexual violence)
- Psychological and/or emotional abuse
- Physical or sexual abuse
- Financial or economic abuse
- Harassment and stalking
- Online or digital abuse

Maidstone Borough Council recognises that domestic abuse does not constitute ASB that survivors and victims are responsible for, but a crime committed by the perpetrator. There are some instances when reports of ASB are identified as cases of domestic abuse when investigated. The Council will ensure that:

- Training is provided to all relevant staff so cases of domestic abuse can be identified.
- The victim is not treated as the perpetrator in cases of domestic abuse where neighbours can hear disturbances. Staff will act appropriately and will refer the victim to support services to ensure they are efficiently supported.

Maidstone Council has separate Domestic Abuse Policy, which sets out the Council's approach to domestic abuse.

## **5.0 What does the Council consider ASB?**

- Physical violence (Report to the police first)
- Hate-related incidents, e.g., based on race, sexual orientation, gender, disability, or belief. (Report to the police first)
- Verbal abuse, harassment, intimidation, or threatening behaviour (Report to the police first)
- Vandalism and damage to properties (Report to the police first)
- Prostitution, sexual acts (Report to the police first)
- Criminal behaviour including using/dealing drugs (Report to the police first)
- Misuse of open spaces, public areas, or loitering, including begging and off-road use of vehicles (Report to the police first)
- Rowdy behaviour linked to drugs or alcohol use
- Noise complaints
- Problem Neighbours
- Nuisance dogs and fouling
- Environmental crimes, including fly tipping

## **6.0 What is not considered ASB?**

- Cooking smells
- DIY in reasonable hours
- Minor car repairs
- Young people gathering socially
- Children playing in the street, including ball games
- Parking disputes
- Civil disputes between neighbours
- Disputes over social media
- Lifestyle differences
- Bonfires and BBQ's

## **7.0 Prevention**

7.1 Maidstone Borough Council's goal is to focus on preventing the occurrence and escalation of anti-social behaviour. The council has adopted the following measures to try and achieve this:

- Integrating crime prevention principles when designing new homes, for example ensuring external spaces have defined uses
- Ensuring pre- tenancy checks are effective and robust
- Identifying support needs of prospective and new tenants
- Setting out clear expectations on behaviour when new customers sign their tenancy agreement
- Using Introductory Tenancies, which might be extended by sixth months in accordance with the Housing Act (2004) (part 6) if it has concerns about the conduct of the tenancy

- Working in partnership with the police, and other agencies on preventative strategies and planned solutions
- Having clear and specific tenancy clauses on hate crime, illegal drug use and distribution and harassment
- Using Neighbourhood Agreements for new and existing communities
- Using Community Protection Warning and Notices

## 8.0 Reporting ASB

- 8.1 Maidstone Borough Council encourages tenants, visitors, staff, third party members and residents of another landlord, who has either witnessed or experienced ASB themselves within a property or estate in the Council's management to report this to Maidstone Council.
- 8.2 Reporting a community safety issue can be made by completing one of the online forms, which can be accessed on the Council's website.
- 8.3 101 is the number to call when contacting Kent Police, which is available 24 hours a day, seven days a week. 101 should be called to report a crime and other concerns that do not need an emergency response. 999 should be called only when immediate help is needed.
- 8.4 The council will categorise ASB reports as follows:
- Very Serious – this includes (but is not limited to) hate related incidents, physical violence, threatening behaviour and drug production or supply. Maidstone Council will make first contact within 3 working days and agree an action plan, taking agreed actions within 3 working days.
  - Serious – this includes (but is not limited to) verbal abuse, harassment, alcohol related ASB, noise nuisance and criminal behaviour. Maidstone Council will make contact within 5 working days and agree an action plan, taking agreed actions within 10 working days.
  - Minor – this includes (but is not limited to) vandalism, animal nuisance, garden nuisance, fly tipping and vehicle nuisance. Maidstone Council will make contact within 10 working days and agree an action plan, taking agreed actions within 20 working days.

## 9.0 Enforcement and Partnership Working

- 9.1 Maidstone Borough Council will use a variety of tools and powers available to tackle ASB including but not limited to:
- Possession using discretionary grounds including if ASB is caused outside of the locality and where it is targeted towards staff and contractors
  - Mandatory possession against an introductory tenant
  - Possession using 'absolute grounds' against a secure tenant
  - Secure tenancy demotion
  - Civil Injunctions in serious cases for tenants and household members aged 10



years and above. This may include issuing legal proceedings for an injunction 'without notice.' Exclusion from the Home Breach of an injunction is contempt of Court and punishable by imprisonment or fine

- Criminal Behaviour Order where there has been a relevant conviction. An order may include 'positive requirements' to try and address the underlying causes of the ASB where appropriate
- Closure Order to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder
- ASB Injunction, where the conditions are met, and which could include 'positive requirements' to try and address the underlying causes of the ASB where appropriate
- A Public Space Protection Order where wider communities are affected
- The Council will share evidence with partners that have the powers to issue fixed penalty notices and provide recordings of unreasonable noise that may lead to equipment being seized in accordance with the Noise Act (1996) S.2.
- The Council will handle CCTV images in accordance with Data Protection Laws and may disclose images as evidence of ASB or criminal activity and provide the information to the Police.
- The Council will cooperate when requested to share information (such as the location of and type of ASB reports made), in order to prevent and tackle ASB under regulations by The Regulator of Social Housing, or if there is a 'anti-social behaviour review', formally known as the 'Community Trigger
- When it is considered by the Police as the appropriate action in response to ASB, the Council will work in partnership to agree the content of acceptable behaviour agreements and parenting contracts. These will be used in further legal action if the conditions are breached.

9.2 The decision to use a power will be made after a review of each case, testing the reasonableness, proportionality and in the requirements of the law. Legal advice will be sought where required.

## 10.0 Support

10.1 Maidstone Borough Council aims to create an environment where victims and witnesses feel confident and safe in coming forward to report ASB.

- When it is in the interests and knowledge of the victim, the Council will work alongside partner organisations that specialise in areas such as hate crime.
- Depending on the nature of the ASB, the Council (Housing Service) may expect other Council or non-Council agencies to lead on case management and action.
- The Council will encourage residents to resolve their differences themselves and will encourage 'mediation' if it is appropriate and both parties are willing to participate.
- The Council will provide help and support to both victims and witnesses by remaining in regular contact and signpost to specialist organisations.

- After considering whether it is appropriate to apply for an injunction, if the perpetrator is under 18 years of age, before applying for an injunction the Council will consult with the Youth Offending Team and any other body deemed appropriate.
- Where partners such as the police or social services recommend that the risk is substantial enough, the Council will consider using its discretion to offer the victim an alternative property within its stock.

## **11.0 Confidentiality**

- 11.1 Section 115 of the Crime and Disorder Act 1998 and the Data Protection Act 2018 allows agencies to share information for the detection and the prevention of crime and anti-social behaviour.
- 11.2 Maidstone Borough Council ensures that where appropriate, local information sharing protocols have been signed, so that information about reporting parties and perpetrators may be shared with other agencies for the purpose of preventing ASB or crime. Any information exchange will be compliant with the Human Rights Act 1998.

## **12.0 Equality and Diversity**

- 12.1 Maidstone Borough Council adopts a flexible approach to ensure that different needs are met and well supported.
- 12.2 The council recognises that some individuals may experience discrimination and disadvantage. An Equality Impact Assessment has been undertaken on this policy to ensure that all customers are treated fairly, regardless of any characteristics.
- 12.3 Maidstone council will make sure all complaints will be taken seriously and responded to efficiently.
- 13.0 Monitoring and Reviewing
- 13.1 This Policy will be reviewed every 5 years, or sooner if significant and relevant statutory changes occur.



**Further information: [maidstone.gov.uk/housing](http://maidstone.gov.uk/housing)**