



Blackpool Coastal  
Housing

# Anti- Social Behaviour Policy

October 2020

INSPIRING PEOPLE TO BUILD BETTER COMMUNITIES

## Document Information

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<b>Version/Issue Number</b>	1.1	
<b>Document Status</b>	Final	
<b>Effective From Date</b>	05/10/2020	
<b>Scope of Document</b>	To define a policy for dealing with Anti-Social Behaviour and breaches of the Blackpool Council Tenancy Agreement within BCH managed areas.	
<b>Objective</b>	Provide a single mechanism for the reporting, recording, investigation, monitoring and evaluation of all anti-social behaviour	
<b>Who needs to know?</b>	All Housing Staff	
<b>Documentation</b>		
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## Amendment Record

Date	Issue No.	Section/Page	Details of Change	Authorised By:
05.10.2020	1.0		ASB Policy launched	Paul Dillon
09.02.2021	1.1.		Sections added on Community Trigger	Paul Dillon

## Amendment Notes

- Documents at draft status are to use letter designations to denote issue status: a, b, c etc.
- Documents at full issue status are to use number designations to denote issue status after full revision: 1.0, 2.0, 3.0, etc.
- For an amendment to a full issue document you are to use number designation to denote issue status: 1.1, 1.2, 2.1, etc.
- On full issue the draft amendment record should be deleted from the above table.
- Notification of the amendment must be sent to the person maintaining the Central Register.

## 1 Introduction and scope

- 1.1 Blackpool Coastal Housing (BCH) is committed to taking positive action, in conjunction with partners, to deal with all forms of Anti-Social Behaviour (ASB) and breaches of the Blackpool Council Tenancy Agreement.
- 1.2 BCH actively participates in a number of multi-agency groups which monitor crime and incident patterns, agree partnership approaches to tackling them and ensure that vulnerable victims and witnesses are supported.
- 1.3 BCH's ASB Service is quality assessed by Housemark and is committed to ensuring services for tackling ASB meet and even exceed the standards set out in the Accreditation Scheme.
- 1.4 This policy sets out the ways in which BCH will seek to deliver on this commitment by working with residents, the Council and partner agencies. The overall purpose of the ASB Policy is to:-
- Prevent incidents and the reoccurrence of ASB in BCH's neighbourhoods
  - Ensure that ASB is tackled efficiently and effectively using a variety of approaches
  - Work with vulnerable residents, both victims and perpetrators, and support agencies to ensure that ASB is tackled and not tolerated
  - Deliver excellent support services for victims and ensure they are aware of what action is being taken to tackle ASB
  - Work proactively with partner agencies, seeking support from other agencies and organisations to develop the most effective approach and resolution to ASB
- 1.5 This Policy applies to:
- General Needs rented properties
  - Sheltered Housing
  - Leasehold properties
  - Temporary Accommodation
  - Communal Areas
  - Buildings and neighbourhoods under the management of Blackpool Coastal Housing

## 2. Links to organisational goals

- 2.1 Our Vision and Values set the direction and culture of the organisation. They ensure that the business is aligned around the desire to be an excellent provider of housing and to work in partnership and engage others in our priorities. The Vision and Values ensure that all of our teams understand our ethos and are clear about what is expected of them and the contribution they can make. Regular updates will be provided to the board of BCH regarding the ASB service and its performance. This Policy operates within our Vision and Values and links to the following Policies and procedures:

- Business Plan
- Service Improvement Plan
- Domestic Abuse Policy
- Hate Crime Policy
- Neighbourhood Action Plans
- Delivery Plan
- Customer and Community Engagement Strategy
- Safeguarding children and adults at risk Policy
- BSafe Strategic Partnership
- ASB & Neighbourhoods Strategy
- Community Trigger

2.1 In addition to being linked to our Vision and Values this Policy has clear links to many of Blackpool Council's strategies, policies and action plans, in particular:

- Consistent Assessment Policy
- Covert surveillance Policy and Guidance

### **3. Regulation and Legislation**

3.1 BCH does not operate in isolation and this Policy has been written to take account of obligations imposed by national legislation and other strategies. In particular:

- Housing Acts 1985, 1988, 1996 & 2004
- Crime and Disorder Act 1998
- Anti-Terrorism, Crime and Security Act 2001
- ASB Act 2003
- ASB, Crime and Policing Act 2014
- Environmental Protection Act 1990
- Equality Act 2010
- Data Protection Act 2018

### **4. Definition of ASB**

4.1 The Government definition of Anti-Social Behaviour is:

- 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 BCH acknowledges that ASB comes in lots of forms. It can range from everyday incidents such as noise nuisance to serious criminal acts. The types of behaviour we consider anti-social include (but not limited to):

- Intimidation and harassment
- Domestic abuse
- Violence or threats of violence
- Rowdy behaviour and drunkenness
- Pet nuisance i.e. uncontrolled animals
- Dealing or taking drugs
- Graffiti
- Damage to property
- Dumping rubbish (fly tipping)
- Noise nuisance: e.g. loud music

## 5. What is not considered ASB?

- 5.1 BCH accepts that many neighbours will naturally have different values or opinions and sometimes this can cause problems. We expect our residents to show consideration to their neighbours as well as an understanding that we all have a right to live our lives.
- 5.2. Not all reports relating to behaviour that impacts on an individual can be deemed as anti-social. It is important to show tolerance and be respectful of differing lifestyles and circumstances. The following are a list of some examples that we do not class as anti-social behaviour and therefore will not investigate:
- Babies crying
  - One off family disputes
  - Cooking odours
  - One off parties/BBQs where there's no evidence problems will re-occur
  - Normal behaviour occurring at unusual times because of different working patterns provided the resident is attempting to keep disturbance to a minimum e.g. use of washing machines
  - Sounds of normal day to day living such as opening and closing of doors, going up and down stairs
  - Children's play
  - Noise transference due to poor sound insulation
  - Boundary issues or disputes
  - Clashes of lifestyle
  - Minor personal differences such as dirty looks or fall outs between children
  - DIY during reasonable hours
  - Parking disputes

## 6. Policy Statement

- 6.1 BCH seeks to create, strong, resilient and sustainable neighbourhoods whereby people from all different backgrounds and groups can exist side by side within a culture of co-operation and respect.
- 6.2 We expect our residents to be respectful of others and not to commit, or allow their family, household members or visitors to commit acts of ASB. BCH impress upon residents when taking on a tenancy their rights and responsibilities (including leaseholders) and what the implications of causing ASB are.
- 6.3 By responding positively to incidents of ASB, BCH will develop a culture of zero tolerance to such incidents, thus combating exclusion and enabling all people to play a full part in society.
- 6.4 BCH is committed to working with other agencies to deliver a range of positive diversionary activities designed to increase self-esteem, confidence and aspirations amongst our residents to reduce the chance of them becoming victims of or involved in ASB.
- 6.5 BCH recognises the detrimental effect that ASB can have on the lives of our residents and communities but it is important that complainants and victims of ASB understand in which circumstances we can intervene and the tools and powers available to us. We will not raise expectations that we can take action where we cannot do so or where responsibility and powers lie elsewhere.

- 6.5 We recognise and accept our role to prevent and tackle ASB but we also recognise that residents and other agencies share this responsibility. In order to investigate and tackle ASB, we expect complainants and victims to notify us in a timely manner when there have been incidents. We also expect that relevant evidence will be provided when requested, where available and that customers will engage with BCH staff and other agencies in the management of ASB cases.
- 6.6 We reserve the right not to pursue a report where we have evidence that the complainant is being unreasonable, vindictive or vexatious. In such instances we will inform the complainant that we will not be taking further action in relation to that specific complaint and why.

## 7. ASB Case Management, Intervention and Enforcement

- 7.1 Victims can report ASB by contacting us by telephone, letter, email, in person or reporting via the website or BCH self-service portal.
- 7.2 BCH treats all reported incidents of violence or threats of violence, hate crime and domestic abuse seriously and will take immediate and appropriate action whenever incidents are reported or identified.
- 7.3 A victim-centred approach will be followed ensuring that residents have access to appropriate support services and feel able to work with BCH staff in the investigation of the incident. We will assess the risk of harm to victims and potential vulnerabilities when we receive a complaint about ASB and we will also agree an action plan with complainants. The action plan will determine how often the victims of ASB are updated regarding the action taken by BCH.
- 7.4 When a complaint of ASB is made, BCH will record the complaint, assess the type of ASB being complained about and apply one of the following categories.

Category	Examples	We will contact customer within:
High	Domestic Abuse, violence or threats of violence, Hate Crime and criminal activity	1 working day
Medium	Verbal abuse, criminal damage, ongoing noise nuisance, intimidating or abusive behaviour	5 working days
Low	Noise, animal nuisance, nuisance from vehicles	7 working days

- 7.5 BCH will work to prevent homelessness and help residents to remain in their home by supporting victims through the implementation of increased security measures such as the Sanctuary Scheme or referrals to other support agencies. (The Sanctuary scheme allows families to remain in the familiar environment of their home whilst they are experiencing the problems that arise as a result of domestic violence. The scheme provides professionally installed security measures to allow families to remain in their own accommodation).
- 7.6 Where it is believed any child or vulnerable adult is at risk BCH will follow the safeguarding children and adults at risk policy and procedure, taking necessary action.

- 7.7 BCH will thoroughly investigate all complaints and gather evidence where it exists from complainants, other residents and partner agencies including the Police and also through the use of Noise Monitoring Equipment, CCTV and professional witnesses as appropriate.
- 7.8 BCH will consider all the options available when investigating and taking action in a case of ASB and will use the legislative framework to ensure the protection of victims and to stop the incidents repeating. The tools and powers available, some of which are delivered in partnership with other agencies, include:
- Written and Verbal Warnings
  - Interviews (either face to face or by other means such as telephone, Skype etc.)
  - Mediation
  - Parenting Contracts
  - Acceptable Behaviour Contracts
  - Good Neighbour Card
  - Tenancy Cautions
  - Injunctions
  - Criminal Behaviour Orders
  - Suspension of Right to Buy Orders
  - Extension of Introductory Tenancies
  - Demotion Orders
  - Notice of Seeking Possession
  - Notice of Pending Possession
  - Absolute Ground for Possession
  - Closure Powers
  - Community Protection Notices
  - Family Intervention Tenancies
- 7.9 BCH will issue new tenants with an introductory tenancy which will become secure after 12 months providing it has been adequately maintained within that time.
- 7.10 BCH recognises that eviction is a potentially necessary tool to tackle ASB and will use the discretionary and absolute grounds for possession when appropriate. However in order to promote social inclusion and prevent homelessness, eviction to resolve ASB will only be used when other actions have not been or will not be successful.
- 7.11 BCH will not move complainants or alleged perpetrators as a means to resolve ASB or deal with a situation (other than in exceptional circumstances).
- 7.12 BCH will not condone ASB perpetrated by employees under any circumstances, including staff who are tenants, nor will we treat such incidents as a purely private matter. BCH will treat any allegation, disclosure or conviction of an ASB related offence on a case-by-case basis.
- 7.13 BCH does not condone ASB perpetrated towards its employees, or those working on its behalf, in any circumstances. We operate a Zero Tolerance approach of abuse, aggression or violence against employees or contractors including but not limited to:
- Shouting
  - Swearing
  - Verbal or written threats
  - Offensive or abusive behaviour due to race, religion, sexuality, disability or gender
  - Offensive comments or gestures
  - Comments of a sexual nature
  - Derogatory comments on social media
  - Excessive contact

- Comments that cause emotional harm or distress

Appropriate action will be taken where such incidents occur and may result in the perpetrator putting their tenancy at risk. BCH may carry out a risk assessment and additional risk controls will be put in place to manage risk to staff and contractors. This may mean two staff attending home visits, or visits in conjunction with other agencies. This could also result in some services being withdrawn if that is necessary to manage the risk to staff.

7.14 BCH will close cases where any of the following applies:

- The case has been resolved
- There is insufficient evidence for any action to be taken
- There is a lack of response or engagement from victims
- Where it is established that the complaint is vexatious or unreasonable.

When cases are closed, BCH will inform victims and complainants. If a case is closed and victims or complainants do not agree with this, they are entitled to request that the case is reviewed by the Team Leader.

## 8. Working in Partnership

- 8.1 BCH will work with other agencies and specialist organisations to ensure that appropriate best practice is employed in the prevention of ASB. Where perpetrators of ASB show a willingness to address underlying issues which cause their behaviour, then BCH will offer assistance and support.
- 8.2 Where ASB involves criminal activity we will expect victims to report criminal behaviour to the police and we will expect the police and other statutory agencies to take action where they have sufficient evidence to do so. BCH staff do not have the powers or the statutory obligations of the emergency services so we are unable to be first responders in emergency situations. We will liaise with the relevant services where there has been a crime or emergency incident and take appropriate enforcement or preventative action if this has resulted in anti-social behaviour or a breach of the tenancy agreement.

## 9. Community Trigger

- 9.1 A community trigger allows members of the public experiencing anti-social behaviour to request a review of their case. Along with other agencies BCH then have a duty to undertake a review of how the case was dealt with where it involves someone who is unhappy with previous outcomes and where the case meets the locally defined threshold.

The community trigger can be used by:

- Any victim of anti-social behaviour
- Any person acting on behalf of a victim, such as a family member, friend, carer, councillor or MP
- Other professional person

This is to ensure that all victims are able to use the trigger, but the victim's consent should be sought first.

If any of the following criteria is met by the person experiencing anti-social behaviour, they may be eligible for a community trigger review:

- You, as an individual, have experienced 3 or more instances of anti-social behaviour within the last 6 months
- 5 or more individuals have experienced the same or similar incidents of anti-social behaviour within the last 6 months
- You, as an individual, have experienced one incident motivated by hate (hate incident/hate crime) within the last 6 months

Please refer to Blackpool Council's website for further details.

## **10. Training**

- 10.1 BCH employees will be given appropriate training that covers the impact of, and BCH's response to, ASB. Staff will be trained to recognise ASB and how to challenge and respond to it. In addition, support and guidance will be given to employees who may be a victim of ASB incidents.

## **11. Confidentiality**

- 11.1 BCH will respect the confidentiality of victims and will work with them to resolve the issues they are experiencing. However, information sharing between organisations is essential to safeguard adults or children at risk of abuse, neglect and exploitation. Information given to an individual member of staff belongs to the organisation and not to the individual employee. An individual employee cannot give a personal assurance of confidentiality to an adult or child deemed to be at risk.
- 11.2 Under the Crime and Disorder Act 1998 information can be shared between agencies to prevent and detect crime and disorder, including ASB and other behaviour adversely affecting the local environment. BCH will share information with partners in line with the BSAFE Strategic Partnership Group information sharing protocol.
- 11.3 BCH will publicise any positive action taken to resolve ASB wherever possible. Working with partners, this may include press releases to local newspapers, radio or television or other publicity materials such as social media, leaflets and posters in the locality of where legal action has been successful.

## **12. Equality and Diversity**

- 12.1 BCH will provide a service that is accessible to its customers, for example assisting those with low levels of literacy or disabilities.
- 12.2 BCH works in accordance with the Equality Act 2010 and will assess whether alleged perpetrators are vulnerable so we can identify appropriate support to help them modify their behaviour.

## **13. Performance and Monitoring**

- 13.1 We actively measure the performance of the service. A performance report is produced on a monthly basis to report on how we are performing against our service standards. This is also fed back to the Senior Management Team and The BCH Board.
- 13.2 BCH will monitor ASB incidents to identify any trends using the ASB Case Management System. Using this information we will consider targeted campaigns employing a project based approach to tackle issues and increase confidence within the community.
- 13.3 Performance information relating to the use of legal actions and satisfaction levels and will be publicised on the website and in our customer newsletter.

## **14 Ownership and review**

- 14.1 The ASB Policy is owned by ASB & Neighbourhoods Team based within Housing Services, but there is responsibility in each BCH Directorate for the implementation of the policy. The policy will be reviewed every three years and any enquiries relating to the policy can be directed to the ASB & Neighbourhoods Manager and/or the ASB Team Leader