



Anti-social Behaviour Policy

2023 to 2026

Date: September 2023

Review date: March 2025

Contents

1.0 Scope and purpose of this Anti-social behaviour policy document

1.1 Introduction

1.2 Policy Objectives

1.3 Policy Principles

1.4 Our responsibilities

- i) Our role as a social landlord**
- ii) Our role as part of the Community Safety Partnership (CSP)**
- iii) Community Safety Unit (CSU)**
- iv) Our environmental protection role**

2.0 Victim-centred approach

2.1 Examples of ASB

2.2 When we may not be able to get involved

3.0 Additional Considerations

- i) Confidentiality and information sharing**
- ii) ASB Case Review (The Community Trigger)**
- iii) Discretion**
- iv) Vexatious Complaints**

4.0 Links to other corporate strategies and policies

5.0 Legislation

6.0 Partner Agencies

7.0 Policy Awareness and Review

8.0 Equality and diversity

1.0 Scope and purpose of this Anti-social behaviour policy document

This policy document will set out what Ashford Borough Council means by anti-social behaviour (ASB) and will set out the principles that we will apply and use to demonstrate a clear and consistent approach to tackle ASB. The overall aim of our policy and the procedures that sit behind are to promote safer, stronger communities and to provide and sustain a better quality of life for the residents of Ashford.

This policy was adopted in March 2020 and is managed jointly by the Safety and Wellbeing Service and Housing Service. It will be reviewed every 18 months. The policy is underpinned by the collaborative work of the community safety partnership.

Through setting our principles and approach to tackling and reducing ASB we will ensure that residents have realistic expectations when reporting ASB. We will provide a balanced view about the different roles and responsibilities through partnership working to successfully tackle ASB, as well as being clear and acknowledging that resolution may be difficult and timely in some cases.

1.1 Introduction

Within the Anti-social Behaviour, Crime and Policing Act 2014 Anti- social behaviour (ASB) is defined as the following:

- (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.

Ashford Borough Council recognise that ASB can have a significant impact on victim's lives and the wider communities. It can affect an individual's feelings of personal safety, make a neighbourhood an unpleasant place to live or work in and greatly reduce on the overall quality of life for residents living in local communities.

All residents are entitled to live in a peaceful environment and visitors to Ashford have the right to visit and enjoy a safe and attractive borough.

Ashford Borough Council recognises that the problems created by ASB need to be dealt with in a robust and timely manner. The council aims to work as quickly and efficiently as possible to tackle ASB, this may be determined by the nature of the ASB incidents and appropriate resolutions.

1.2 Policy Objectives

The objectives of this policy are to:

- detail the responsibilities in responding to and tackling ASB,
- record operational standards and outline our duty to share information with relevant partners,
- outline how victims of ASB will be supported,
- describe how residents report their concerns and how agencies communicate with them, and
- detail how agencies work together to utilise all available tools and resources to tackle ASB and support communities.

1.3 Policy Principles

The council's ASB policy is founded on the following principles:

- reports of ASB will be investigated and dealt with professionally,
- ASB will be dealt with fairly and proportionately,
- we will work with partners to deliver an effective ASB service across the community, and

How will we meet these principles?

We will meet our commitment by:

- publicising and promoting the various services we provide to tackle and reduce cases of ASB,
- encouraging people to report ASB and make it easy for them to do this using the identified reporting methods,
- recording each case that is identified as ASB and investigating the complaint to ensure we work towards an appropriate resolution,
- seeking to resolve ASB by taking the justified and proportionate response,
- using relevant tools and powers available to us set out within the legislation and according to our best professional judgement,
- seeking to respond to each report of ASB as quickly as possible in line with our procedure and by using best practice to ensure that procedures remain fit for purpose and effective,
- setting out an initial plan of action, risk assessment and in accordance with the victims code when appropriate, which sets out how we will keep the complainant informed of progress and possible enforcement powers,
- refer cases between the different sections of the Ashford Borough Council and to other agencies, as necessary,
- ensuring that any crimes reported to the council is quickly passed to the Police, with a continuation of dialogue between agencies if appropriate and necessary.

- providing information, instruction, training and supervision for Ashford Borough Council employees to help them understand their role and responsibility in ASB management,
- actively promote mediation, where appropriate and with the consent of those involved, before considering the need for formal or enforcement action,
- explaining our reasons should we choose to take no action, and suggest self-help or other alternative courses of action, including private legal proceedings where relevant, and
- obtaining feedback from our council tenants through surveys or formal tenant engagement channels about their experience and satisfaction of the ASB service provided, reporting satisfaction levels to the Social Housing Regulator and acting on any negative feedback to improve our service when appropriate.

1.4 Our Responsibilities

Ashford Borough Council have a broad remit in respect of responsibilities when responding to ASB, these are set out as the following four areas:

i) Our role as a social landlord

As a social housing landlord under the [Anti-social Behaviour Act 2003](#) we have a duty to investigate allegations of ASB affecting those living in properties we own and manage and to respond as each incident is reported to us. Our landlord duties and powers are different from and are in addition to, the duties and powers we have to deal with ASB in the wider community. Within this policy document and the procedure documents that sit behind it we will be clear about when a policy objective or procedural action applies to Ashford Borough Council tenants. Set out in the [Anti-social Behaviour, Crime and Policing Act 2014](#) are a number of additional powers that can be used to take action against those who are causing ASB.

The tenancy agreements provided by us as social housing landlord sets out the expectations about the behaviour of tenants. Action can be taken against tenants who do not comply, and there is a right to seek to evict a tenant in serious cases of ASB.

As a social housing landlords, the council will work with all appropriate partners and utilise relevant powers under the Anti-social Behaviour, Crime and Policing Act 2014 to tackle reports of ASB. These powers include:

- Criminal Behaviour Orders – issued by a criminal court against a person who has been convicted of an offence and is causing anti-social behaviour.
- Dispersal Powers – this allows police officers to order a person who is causing harassment, alarm, or distress to leave a specific area for up to 48hours.

- Community Protection Notices – local authorities, the police, and sometimes social landlords can issue Community Protection Notices to address a wide range of problems such as littering and noise nuisance.
- Public Space Protection Orders – used by local authorities to prevent behaviour and nuisance that is persistent, unreasonable and/or detrimental.
- Closure Orders – a court order which closes down properties that are causing serious nuisance, disorder, or criminal behaviour. This means there is a temporary ban on occupying the property.

Before making a referral to another partner, tenants will be advised as to why this is necessary and any necessary permissions will be obtained. Despite a referral to another partnership organisation or agency it remains important for the council as a social housing landlord to continue communication with tenants and undertake management of an ASB case.

ii) Our role as part of the Community Safety Partnership (CSP)

Under the [Crime and Disorder Act 1998](#), the council must work with the Police and other agencies to reduce crime and disorder within the borough. In this role, we play a key part in dealing with ASB of all kinds. The [Ashford CSP](#) enables Ashford Borough Council to work together to develop and implement strategies to protect our local communities from crime and to help people feel safe, including but not limited to developing local approaches to deal with issues including anti-social behaviour, drug or alcohol abuse, domestic abuse and re-offending.

iii) Our role as part of the Community Safety Unit (CSU)

The CSU is the operational group that sits beneath the Strategic Community Safety Partnership. The role of the CSU is to implement the various projects, programmes and initiatives to meet the objectives set by the CSP. This is done through regular partner meetings and ensuring linkages with other task groups operating within the borough.

It is then the responsibility of the CSU to deal with ASB cases appropriately by working with partner's agencies and internal departments.

The CSU organises and participates in multi-agency working groups dealing with specific ASB issues that are within certain hotspot areas and key locations within the borough. The CSU will also work with housing associations, private landlords, letting agents and businesses to provide professional advice and support as required, so that these organisations can act confidently to prevent or tackle ASB, making use of their own resources.

iv) Our environmental protection role

The council has a range of responsibilities to deal with “environmental” ASB, examples of this include but is not limited to noise, litter, bonfires, fly tipping and

abandoned vehicles. These responsibilities arise from a number of Acts and local byelaws, but in particular from the [Environmental Protection Act 1990](#).

Local authorities have specific powers to deal with noise pollution. Environmental Health teams can investigate noise complaints and take action to help, including issuing noise abatement orders or community protection notices, which set out what the person causing the noise must do to stop the nuisance. If they do not comply, they could face further legal action.

v) Our partnership working arrangements

Whilst these are four distinct roles this policy provides clarity and commitment to the very strong links between them and that close working arrangements have been developed between teams that deliver the various services. The key services involved in the council's ASB work are:

- Community Safety
- Housing
- Environment & Land Management
- Environmental Protection

2.0 Victim-centred approach

The council will always consider the harm victims of ASB as crucial and operates a victim-centred approach when responding to, tackling, and finding resolutions to instances of ASB. Each incident reported will be managed on a case-by-case basis and this policy recognises that two ASB cases where the behaviour type is identical, the victims may suffer a differing level of harm.

Language barriers and certain forms of illness or disability may make it difficult for some people to express themselves or communicate clearly so officers will consider the use of advocates, translation services and/or make reasonable adjustments to meet the needs of the individuals.

2.1 Examples of ASB

Ashford Borough Council considers the following as examples of anti-social behaviour, however this is not an exhaustive list:

- Noise nuisance from within or outside a dwelling or building, loud - music, persistent shouting or excessive noise, frequent loud parties, and other domestic noise.
- Environmental ASB - fly tipped domestic rubbish, littering, vandalism, dog fouling, dog control, bonfires, graffiti, fly-posting and abandoned vehicles.
- Commercial ASB - construction noise, fly tipped environmental waste.

The council works in close partnership with the Police regarding intimidation, harassment, violence and hate crime. This partnership working can include, but is not limited to threatening or aggressive behaviour, harassment, assault,

damage to property, keeping and failing to control an aggressive dog, using or allowing premises to be used for illegal or immoral activity such as prostitution, selling, handling or storing or using illegal drugs or handling stolen goods and domestic violence.

It should be noted that the above list does not cover every situation that may be deemed to be ASB. Therefore, each case will be assessed and how it is handled will vary depending on the specific circumstances of the alleged victim and the alleged perpetrator. This requirement of our Safeguarding Policy takes primacy over this policy.

2.2 When we may not be able to get involved

Although antisocial behaviour is defined in law, it can be difficult to define what behaviours and actions are ASB and there are some types of behaviour that are not officially classed as ASB for example but not limited to:

- Children playing in the street or communal areas and young people gathering socially, unless they are being threatening or deliberately intimidating.
- Parking issues (not being able to park outside your own home or badly parked vehicles).
- Civil disputes between neighbours, for example shared driveways.
- Complaints about normal household noise.
- Disagreements between two neighbours where there are no impartial witnesses or evidence to support either party.

The Council 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. The Council work closely with the police and will consider criminal behaviours when investigating an anti-social behaviour case.

The Council will not investigate anonymous complaints. It is important for us to be able to speak to a complainant about the behaviour they are concerned about.

3.0 Additional Considerations

i) Confidentiality and information sharing

Where appropriate, the council will share information with the Police and other key agencies under the Kent and Medway Information Sharing Protocols (KMISP). This ensures all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998.

The council will work within the provisions of the General Data Protection Regulations (GDPR) and Data Protection Act 2018 that provide a background for sharing information and the need for confidentiality and privacy. 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.

The council's [Information Rights](#) webpage sets out how we lawfully process and share any personal information.

ii) **ASB Case Review (The Community Trigger)**

An ASB case review (often referred to as the Community Trigger) gives victims and communities of persistent ASB the right to request a review of their situation to examine how local agencies have responded to previous ASB complaints and consider whether further action could be taken.

Across Kent, a common approach has been developed to support all agencies involved in case reviews. This provides victims of ASB with a clear and effective response regardless of where they live in the county.

Further information at: [Ashford Borough Council ASB Case Review Information](#)

iii) **Discretion**

This policy commits the council to dealing with ASB in a fair and proportionate way. We may occasionally need to exercise discretion to vary our approach when dealing with ASB because each case is unique. A commit is given to respond and deal with the most serious reports of antisocial behaviour (ASB) as a matter of urgency, especially where vulnerable people are involved, either as the complainant or the perpetrator.

iv) **Vexatious complaints**

Where the Council has reason to believe that a complaint is false, malicious or unreasonable, we will consider taking appropriate action against the complainant. Please refer to the separate council's policy on [Vexatious complainers](#),

4.0 **Links to other corporate strategies and policies**

This policy links to and should be read in conjunction with the following:

- Council safeguarding policy
- Council corporate complaints policy
- Council CCTV code of practise
- [Housing Letting policy](#)

5.0 Legislation

The legislation listed below will be taken into consideration when developing and implementing this policy:

- Anti-social Behaviour, Crime and Policing Act 2014
- Care Act 2014
- Children's Act 2004
- Clean Neighbourhoods and Environment Act 2005
- Crime and Disorder Act 1998
- Data Protection Act 2018
- Environmental Protection Act 1990
- Equality Act 2010
- Freedom of Information Act 2000
- Harassment Act 1997
- Homeless Reduction Act 2018
- Housing Acts 1985, 1996 and 2002
- Human Rights Act 1998
- Local Government Act 2000
- Mental Health Act 1983 (amended 2007)
- Police and Criminal Evidence Act (PACE) 1984
- Social Housing (Regulation) Bill 2022 - 2023

6.0 Partner Agencies

We work in collaboration with a number of agencies to prevent and manage ASB. Details of partnership organisations and agencies that we work with can be found by visiting <https://www.ashford.gov.uk/your-community/community-safety/community-safety-partnership/>

7.0 Policy Awareness and Review

This policy will be communicated through the relevant endorsement process and channels within the council, including Management Team, Cabinet, Audit Committee and will be published on our internal staff information website (Smart Hub) and the Ashford Borough Council website pages relating to [ASB](#).

This policy document and the procedure documents that implement the policy objectives and principles will be reviewed every 18 months. It will be amended, if necessary, to take into account any change in legislation or introduction of regulatory requirements, to reflect any non-statutory guidance from central government and ensure implementation of relevant industry standards.

8.0 Equality and diversity

The council is committed to promoting equality of opportunities in its services. [The Equality Act 2010](#) provides a framework to ensure Ashford Borough Council services are not provided in a discriminatory manner by having due regard to eliminating unlawful discrimination, harassment, and victimisation.

Under this policy, the council will also:

- Demonstrate that we have considered any vulnerability identified within the Act when deciding to proceed to legal action.
- Ensure that the proposed legal action is a proportionate response to the ASB.