



Anti-Social Behaviour (ASB) and Tenancy Enforcement Policy

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Policy to take effect from:	September 2022
To be reviewed:	September 2025
Version No:	1.0

Aims of the Policy

- To give staff clear guidance so that we deal with Anti-Social Behaviour (ASB) and other tenancy breaches effectively and efficiently.
- To set out our approach in preventing and resolving ASB and tenancy breaches.

Definitions

The *2014 Anti-social 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..."

"Conduct capable of causing housing-related nuisance or annoyance to any person."

The following are examples of ASB and are breaches of tenancy:

- Hate Crime – the Crown Prosecution Service classifies hate crime as:

"Any criminal offence which is perceived by the victim, or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

It can be expressed in many forms such as through verbal abuse, social media, threatening behaviour, assault. We will report hate crimes to the Police and Staffordshire Victim Gateway, and we will signpost the victim to support agencies should they require this.

- Domestic Abuse – this is violent, threatening or controlling behaviour by one person against a member of the same household (i.e., it does not need to be a partner or ex-partner). Again, support will be sought from outside agencies should the victim require it.
- Excessive and unreasonable noise such as: playing music too loudly; arguing; door slamming; undertaking noisy tasks, such as vacuuming late at night; having large groups of people in attendance on a regular basis.

- Criminal damage, vandalism or graffiti – such as: purposefully damaging other people’s or organisation’s property; vandalising such property or producing graffiti of an offensive or racist manner.
- Committing or threatening violence in or around the property, which is a breach of the tenancy.
- Animal-related problems – including: dog fouling; excessive barking; letting an animal have primary use of the garden over other residents; keeping dangerous or banned animals in a property; allowing an animal to attack another person or animal, etc. Tenants must obtain our written permission before keeping a pet. Ordinarily we will not allow tenants who reside in flats with a communal hallway (a `six-block`) to keep a dog due to: the close proximity of dwellings in the block; potential disturbance to neighbours; lack of direct access to the communal garden and effect on welfare of the animal; risk of impeded egress in the event of a fire or other emergency.
- Rubbish and fly-tipping – this includes using the property (including garden and any communal areas) to dump/store rubbish or old furniture.
- Drug-related issues – this includes: using or taking illegal drugs; producing illegal drugs; allowing them to be produced, used or sold on the premises.
- Tenancy fraud – this includes: people claiming benefits and not living in their home; people moving out and giving the keys to friends; people obtaining housing through deception and by being dishonest on their application.

Associated Legislation, Guidance and Policies

- Anti-Social Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Disorder Act 1998 (as amended 2002)
- Housing Acts 1988 and 1996
- Mental Capacity Act 2005
- Home Office guidance – Anti-social behaviour powers: Statutory guidance for frontline professionals (revised June 2022)
- Tenancy Management Policy (under review)
- Equality and Diversity Policy
- Allocations Policy
- Safeguarding Policy
- Tenancy Fraud Policy
- Tenancy Breach Procedure (under review)

Our Approach to Dealing with Reports of Tenancy Breaches and ASB

Multi-Agency Working and Information Sharing

Where relevant we will work in partnership with other agencies to ensure that all available measures for dealing with tenancy breaches are considered. This includes exchanging and sharing information within clear guidelines. The Crime & Disorder Act 1998 and the General Data Protection Regulation allows for the sharing of information with other agencies, such as the Police, if this is to help prevent or detect crime and disorder. We are also a signatory to the One Staffordshire Information Sharing Protocol and a member of the Staffordshire Counter Fraud Partnership. We will attend case review meetings and other anti-social behaviour fora where there are issues being discussed that are relevant to our customers.

We will publicise the availability of the `Community Trigger` which results in initiating a multi-agency case review of repeated ASB (defined as three complaints of ASB over a six-month period). In Staffordshire, the Community Trigger can be enacted by a victim (or a person acting on their behalf) by calling the 101 non-emergency Police number and announcing that they wish to use this.

Prevention of ASB and Tenancy Breaches

We will use a range of preventative measures to help reduce the incidence of ASB. These will include but are not limited to:

- Identifying risk factors when people apply for housing via the application form, interview process and public record checks (e.g., press, social media).
- Seeking references from landlords.
- Obtaining police and probation disclosures where applicable.
- Comprehensive allocation policy.
- Excluding an applicant from housing when there is evidence that their behaviour has been unacceptable and serious enough to make them unsuitable to be a tenant. It will only be applied in circumstances that are not unlawfully discriminatory (for more information see the Exclusions section of our Allocations Policy).
- Using `Starter` (Assured Shorthold) tenancies.
- Clearly explaining tenants' obligations at the start of the tenancy.
- Clear clauses in the tenancy agreement.
- Identifying tenants who need extra support and making appropriate referrals to external agencies.
- Attending meetings and working in partnership with local Police, local authorities, mental health services and other relevant agencies.
- Tackling `hotspot` areas jointly with partners.
- Publicising our successes in tackling ASB, in order to encourage people to report problems and to act as a deterrent.

Responding to Reports of Tenancy Breaches and reports of ASB

Further details of how we react to, and deal with, reports of a tenancy breach are contained in the Tenancy Breach Procedure. Records of all actions taken and relevant communications with customers will be recorded in our customer relationship management system.

Our general approach in dealing with tenancy breaches will follow these principles (the `Four Es` Approach):

- Engage with tenants when they breach the tenancy agreement.
- Explain the consequences of breaching their tenancy conditions.
- Encourage them where appropriate to change their behaviour.
- Enforce the tenancy conditions where appropriate.

Timescales for dealing with Tenancy Breach / Anti-Social Behaviour Complaints

- Level 1 – not considered ASB – no further Action
- Level 2 – environmental nuisance (e.g., untidy gardens, fly-tipping etc.) – response within 5 working days
- Level 3 – nuisance (e.g., noise nuisance / verbal abuse) – Response within 3 working days
- Level 4 – personal /Serious ASB/Nuisance (e.g., threats of violence, domestic abuse, hate crime) – response within 1 working day

Working with Vulnerable Perpetrators and Victims

If we know that a perpetrator has a disability, we will work collaboratively with relevant agencies to address the ASB and its causes. If legal action is necessary we will complete a `justification exercise` to demonstrate that our intended actions are necessary and proportionate, and to help avoid a breach of the Equality Act 2010 and legal challenges. We must also consider as to whether the perpetrator has the capacity (within the meaning of the Mental Capacity Act 2005) to instruct solicitors or whether it may be necessary for a 'litigation friend' to be appointed.

We will support victims through informal support or by helping to refer them to specialist organisations such as Staffordshire Victim Gateway, Staffordshire Women's Aid and the National Domestic Abuse Helpline.

Early intervention – Case investigation

When a case has been logged, we aim to adopt an early intervention approach and respond quickly and strive to resolve problems at the earliest possible stage. We will only take action if EPIC is satisfied that the evidence gathered can demonstrate that an individual or a group of individuals have acted in an anti-social manner.

Non-legal action

Where appropriate in the first instance we will take non-legal actions to resolve neighbour disputes, alleged ASB and other tenancy breaches. Non-legal remedies available to EPIC include but are not limited to:

- Encouraging complainants to speak to their neighbours/the perpetrators, where appropriate
- Encouraging self-help solutions
- Negotiation
- Mediation
- Informal warnings for breaches of tenancy
- Multi-agency working
- Acceptable behaviour contracts
- Extension to starter/probationary tenancy, where relevant

Legal Action

Before taking legal action EPIC will consider if the case is serious enough to warrant legal action, whether complainants are prepared to give evidence in court, what evidence has been gathered by other means, the quality of the evidence and whether all other dispute resolutions have been considered. When legal action becomes necessary, EPIC will use the most appropriate mechanism available.

There are a range of legal powers for tackling tenancy breaches and ASB, some of which EPIC can use in its own right, primarily via the County Court. Some mechanisms require to support of the Local Authority or the Police.

Primary actions available to us are to enforce the tenancy agreement via either:

- a) the 'Section 21 Notice' possession route for Assured Shorthold Tenancies.
- b) the 'Section 8 Notice' possession route for Assured Tenancies – with the relevant legislation under the 1988 and 1996 Housing Acts (as amended).
- c) Civil injunctions.
- d) Undertakings.
- e) Demotions of tenancy.

Partnership Working

Other legal actions include seeking injunctions and working with external agencies (e.g., the Police, local authorities) to pursue civil or criminal sanctions.

Examples here include:

- community protection notices;
- property closure orders and
- the 'Community Trigger' and dispersal orders.

These sanctions fall under the Anti-social Behaviour, Crime and Policing Act 2014.

Support of Complainants and Witnesses

With the support of other agencies, EPIC wants to ensure that complainants and witnesses feel supported when they report tenancy breaches or ASB, by offering support where necessary throughout the case through to supporting them when attending court.

The level of support given will depend tailored to meet the needs of the individual and the circumstances of the case. As a minimum we will provide a named contact who will maintain regular contact with witnesses, keeping them as fully informed as possible throughout the process.

Case Closure

EPIC will close a Tenancy Breach/ASB case when:

- We believe the case is resolved or the problem has ceased.
- We have insufficient evidence to proceed with the case.
- We believe the evidence does not warrant further action.
- The witness(es) does not respond or withdraws the complaint.

(This list is not exhaustive)

The decision to close the case will be made by the allocated Housing Officer and the Housing Team Leader and recorded on CRM/file.

Training

Staff will be given appropriate training to enable them to deal effectively with ASB and tenancy enforcement.

Monitoring and Reporting

- The Housing Team Leader will carry out regular meetings with the Housing Officers to ensure that tenancy breach cases are being dealt with appropriately and will review on a monthly basis all high-level cases or cases approaching, or at, legal action stage.
- We will measure the number of current ASB cases as part of our KPI suite.
- We will monitor customer satisfaction of our dealing with cases of ASB by contacting victims.

Responsibilities

- Any member of staff can take the details of an initial report of ASB or other tenancy breach.
- Primarily Housing Officers will investigate reports of ASB and take the appropriate actions summarised above.
- The Housing Team Leader or a member of the Senior Management Team can sanction legal proceedings where appropriate.
- The Housing Team Leader will carry out checks and review all high-level cases on a monthly basis.

Review Mechanism

This Policy will be reviewed every 3 years or at such a time as legislation or guidance is changed.