

Agenda Item No: 10
Report To: **CABINET**
Date of Meeting: 28 September 2023
Report Title: Anti-social Behaviour Policy
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Portfolio Holder: Cllr Bill Barrett Housing
Portfolio Holder for: Cllr Liz Wright Safety and Wellbeing



Summary: The report presents for renewal of the Ashford Borough Council Anti-social Behaviour (ASB) Policy. The policy provides clarity on how the Council meets its responsibilities under the Anti-social Behaviour, Crime and Policing Act 2014.

Key Decision: No

Significantly Affected Wards: All Wards

Recommendations: **The Cabinet is asked to recommend that the Council approve the renewed Ashford Borough Council Anti-social Behaviour Policy**

Policy Overview: I.
The Crime and Disorder Act 1998 (section 5 and 6) requires local authorities and the police to work together at a localised level to develop and implement strategies for reducing crime and disorder in their area.

The Policy as presented will guide elected members, officers and external partners in their roles and responsibilities. The Policy sets out the council's commitment to managing ASB. It therefore brings together the Ashford approach for delivering effective ASB solutions across the partnership. It ensures the Council has effective ASB processes in place to meet its legislative and regulatory obligations.

Financial Implications:	Currently the budget allows for one full time officer post within the service. If an ASB matter required further investigation and was progressed to court then we seek recovery of costs to cover our resource.
Legal Implications: <i>Text agreed by Samantha Clarke on 6th September 2023</i>	The Anti-Social Behaviour Act 2003 (amending the Housing Act 1996), places a legal requirement for all local housing authorities to publish a statement of their policies and procedures in relation ASB. This document is ABC's Council statement showing how it will deal with ASB and sets out the general approach to ASB enabling staff and residents alike to understand what is meant by ASB and the commitments to deal with it and manage expectations. This policy specifically focuses on ASB and does not include issues investigated under other legislative frameworks.
Equalities Impact Assessment:	See Attached
Data Protection Impact Assessment:	N/A
Risk Assessment (Risk Appetite Statement):	<p>By having an agreed policy it reduces the risk on the organisation by ensuring members, officers and external partners understand their role and the expectations placed upon them in respects of ASB management.</p> <p>Officer's dealing with the management of ASB need to ensure they are regular up to date with the latest legislation, tools and powers use to tackle ASB. The organisation therefore need to ensure appropriate training is provided to all staff within the area.</p> <p>The ASB process may highlight and identify vulnerable individuals or locations that need physical improvement as the environment is contributing to the ASB within the community.</p>
Sustainability Implications:	None
Other Material Implications:	Increased activity in this area will inevitably increase workload for those dealing with Anti-social Behaviour.
Exempt from Publication:	No
Background Papers:	None
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Introduction and Background

1. Anti-social Behaviour (ASB) is a broad term used to describe incidents of crime, nuisance and disorder that harms on individual victims or the community as a whole. A number of the council's services deal with ASB on a daily basis, whether this is for housing tenants, private residents or visitors to the borough.
2. ASB can have a significant influence on victim's lives and wider communities; it can impact an individual's feelings of personal safety, make a neighbourhood an unpleasant place to live or work and greatly reduce quality of life. Tackling and preventing ASB is a priority for Ashford Borough Council and we would like every resident of Ashford to feel safe, enjoy living in their neighbourhood and feel confident when reporting incidents of ASB.
3. The primary aim of the ASB policy is to demonstrate the council's commitment to ensuring robust and effective processes are in place to deal with ASB within the borough. The council wants to ensure private and ABC housing residents have a consistent approach in the way that the council and relevant external partners deal with ASB. The Policy aims to ensure a coordinated approach towards tackling anti-social behaviour and nuisance is achieved, wherever possible.
4. The purpose of this report is to present to Cabinet the council's ASB Policy and recommend the reviewed version for approval by the Council.
5. The Policy, as presented at Appendix 1 highlights the individual roles and responsibilities within the organisation and other external agencies to ensure that those with responsibilities act in accordance with the ASB, Crime and Policing Act 2014.

Proposal

6. The safety & wellbeing service, housing service and environment and land management have worked together to produce a policy relevant to whole authority.
7. The Anti-social Behaviour, Crime and Policing Act 2014, gives local authorities increased tools and powers to address ASB and take necessary action to resolve the issues.
8. The renewed policy is recognised as best practice and provides the assurance and links between the various operational documents in place. It clearly set out the Council's commitment to ASB as well identifying individual responsibilities.

9. The Policy includes the following elements:
 - a. Identifies objectives, scope and policy management;
 - b. Identifies key roles;
 - c. Identifies responsibilities;
 - d. Addresses policy awareness; and
 - e. Review arrangements.
10. The Chief Executive is appointed as having overall responsibility for the Policy with oversight being provided by Members.

Equalities Impact Assessment

11. Members are referred to the attached Assessment. The key issues arising are Anti-social Behaviour can affect anyone irrespective of gender, sexuality, age, class, religion or ethnicity. The policy covers all groups and recognises that ASB may affect individuals and communities differently. Activities/interventions to prevent ASB need to be designed and reviewed to meet the legitimate and particular considerations of gender, age, sexuality, disability and ethnicity. The policy has a positive impact and will enable the council to act quickly and effectively in order to tackle ASB targeted at vulnerable groups using the powers available in legislation.
12. Please see attached Equalities Impact Assessment.

Consultation Planned or Undertaken

13. The policy has been developed in conjunction with relevant council services and external agencies. It is directly relevant to the Community Safety Partnership objectives and has been developed having reference to the annual strategic assessment.
14. Following the review of the existing policy the Housing Service committed to undertake consultation with tenants about the planned review, to ensure that the policy was reflective and fit for purpose in respect of handling and managing ASB from a tenant's perspective. The consultation was undertaken by the Tenant Engagement Officer over a period of three weeks. Each complainant of ASB to the Housing Service over the last twelve months was contacted by email and by post, with the opportunity to complete and anonymous survey to obtain their feedback. The survey was eighteen questions in total and ranged with from multiple choice answers for direct questions around reporting opportunities to comment boxes to establish more information about a particular element of their ASB complaint handling and resolution. Those contacted by the Tenant Engagement Officer were also offered the opportunity to speak about their feedback on the telephone.

Unfortunately, despite the multiple channels and short process to undertake the consultation there was no feedback or commentary received. This is disappointing, however, this type of targeted engagement with our tenants is a very new approach, we will continue to commit to consult on any changes to

the procedure that sits beneath the policy once endorsed, and we will also be in a position to review feedback about ASB more generally as we conclude our Tenant Satisfaction Measures Perception Surveys at the end of September. The outcome of the perception survey and Management Information from our internal system will be submitted formally to the Regulator of Social Housing and does cover our handling of ASB, so going forward this feedback may assist in our development of future policies or their revisions.

Other Options Considered

15. The Anti-social Behaviour Act 2003, Part 2, amends the Housing Act 1996 and inserts Section 218A which states that a Local Housing Authority must prepare a policy in relation to ASB and procedures for dealing with such occurrences. Furthermore, there is a requirement for the Local Housing Authority to keep its policy and procedures under review.
16. Ensuring that we have robust ASB arrangements is fundamental to the council's operation. The development of an ASB policy is, however, only recommended as good practice other than in the case of our responsibilities as a social landlord.

Reasons for Supporting Option Recommended

17. The policy will ensure a clear organisational approach and commitment to managing and addressing ASB within the borough. The policy will set out the obligations of all stakeholders including the CSU, Housing, Kent Police and Members.

Next Steps in Process

18. Once agreed the renewed policy will be made available to members and officers on the council's intranet and the public on the council's website.

Conclusion

19. Adoption of the renewed Policy provides a clear direction and shows the commitment by the Council in ensuring it has processes and direction in dealing with ASB.
20. The policy provides reassurance for all stakeholders by clearly stating the roles and responsibilities of members' officers' and external partners for ASB.

Portfolio Holder's Views

21. We are committed to improving the quality of life for those living and working within our communities including our tenants, as well as providing a safe and secure environment to enable people to live together free from the negative impact of ASB. The policy provides clarity and encourages consistency in our

approach to dealing with ASB and explores the working procedures which is much welcomed.

Cllr Liz Wright Cllr
Cabinet Member for Communities and Health

Cllr Bill Barrett
Cabinet Member for Homes & Homelessness

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Contact and Email

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Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	<p>Laurel Niven Community Safety and Resilience Team Leader</p> <p>Rebecca Smith Housing Operations Manager, Income and Neighbourhoods</p>
Decision maker:	<p>Cabinet</p>
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<p>The Cabinet is recommended to approval of the renewed Ashford Borough Council Anti-social Behaviour Policy</p>
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	<p>27 July 2023</p>
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The purpose of this report is to present to Cabinet the Ashford Borough Council's recently reviewed Anti-social Behaviour policy for adoption.</p> <p>The policy provides clarity on how the Council meets its responsibilities under the Anti-social Behaviour, Crime and Policing Act 2014.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>The Crime and Disorder Act 1998 (section 5 and 6) requires local authorities and the police to work together at a localised level to develop and implement strategies for reducing crime and disorder in their area.</p> <p>The Policy as presented will guide elected members, officers and external partners in their roles and responsibilities. The Policy sets out the council's commitment to managing ASB. It therefore brings together the Ashford approach for delivering effective ASB solutions across the partnership. It ensures the Council has effective ASB processes in place to meet its legislative and regulatory obligations.</p>
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? 	<p>Tenants who have reported ASB over the last twelve months (ABC Housing tenants) were contacted and invited to complete a survey or speak with the Tenant Engagement Officer. The consultation survey and work was to draw out and use the tenant's experience of our handling of ASB to inform the review of the Policy and to also then be reflective in a subsequent review of the process beneath this.</p>

<ul style="list-style-type: none"> • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Unfortunately there was no feedback from this survey work, however, this was conducted at short notice part way through the policy review but is a requirement of the Regulator of Social Housing so necessary.</p> <p>The outcome of the tenants survey from 2022 and the expectations set out by the Regulator of Social Housing, along with the Housing Ombudsman are reflected more clearly in the review of the Policy and will ensure that we are meeting these, alongside working in partnership with our colleagues internally managing ASB more widely in the community. There is no evidence to suggest from outcomes or the review of the policy that any people with different protected characteristics will be effected by this review of the Policy. The review accounts for a victim centred approach and considering each report on a case by case basis, adopting and using the appropriate response based on the information provided and investigation undertaken.</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Low	Neutral
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	Low	Neutral
<u>DISABILITY</u> Physical	Low	Neutral
Mental	Low	Neutral
Sensory	Low	Neutral

<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u>		
Men	Low	Neutral
Women	Low	Neutral
<u>SEXUAL ORIENTATION</u>	Low	Neutral
<u>ARMED FORCES COMMUNITY</u>		
Regular/Reserve personnel	Low	Neutral
Former service personnel	Low	Neutral
Service families	Low	Neutral

<p>Mitigating negative impact:</p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<p>There is no negative impact to mitigate in relation to this policy. As this is an overarching document.</p> <p>The ASB procedures that sit behind the policy will include a risk assessment process including a vulnerability assessment and due regard will be taken to that and appropriate response provided.</p>
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A

1) Eliminate discrimination, harassment and victimisation	NA
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	NA
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	NA

<p>Conclusion:</p> <ul style="list-style-type: none"> • Consider how due regard has been had to the equality duty, from start to finish. • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<ul style="list-style-type: none"> • The due regard for equality has been considered throughout this report. However due to the nature of the report there are no negative impacts. • There is no unlawful discrimination arising from this report • The proposals are not considered to have any impacts on equality and will provide reassurance that we have procedures in place to support victims of ASB. • Monitoring will be completed through: <ul style="list-style-type: none"> • analysis of ASB reports and resolutions • customer surveys • attendance at relevant multi-agency meetings
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EIA completion date:	14 June 2023



Anti-social Behaviour Policy

2023 to 2026

Date: September 2023

Review date: March 2025

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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 should 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.