

Anti-Social Behaviour (ASB) Policy

2021-2024

Monitoring and review

Document owner	Approved by	Authorised by	Effective date	Review date
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Document History

Version	Summary of changes	Document Status	Date
V1.0	Policy endorsed	Live	April 2021

1. Background

1.1 Wolverhampton Homes (WH) is responsible for delivering a tenure neutral Anti-social behaviour (ASB) service on behalf of the City of Wolverhampton Council (CWC).

1.2 This policy:

- complies with the Housing Act 1996, the Crime and Disorder Act 1998, the Anti-social Behaviour Act 2003 and the Anti-social Behaviour, Crime and Policing Act 2014
- addresses the measures relating to ASB within the Charter for Social Housing Residents: Social Housing White Paper
- outlines our duties in relation to the Equality Act 2010 (with regard to ASB and hate crime)

2.0 Purpose and scope

2.1 This policy outlines how WH deals with reports of ASB, including hate incidents, hate crimes, and nuisance. It applies to residents of Wolverhampton, members of the public and businesses.

2.2 This policy is not applicable to registered social landlords operating in Wolverhampton who are responsible for the investigation and management of ASB / nuisance relating to their tenanted properties.

2.3 This policy is not applicable to noise and environmental ASB / nuisance in private housing and on CWC-managed and private land (as detailed in section 5.3 below).

3.0 Statement of intent

3.1 Our aim is to promote a safe and secure environment for people living in, working and visiting Wolverhampton and we will work in partnership with other agencies to do all that we can to prevent ASB and any form of harassment.

3.2 We will use a range of preventative measures, early intervention and legal action if appropriate, to tackle ASB. This includes the full range of tools and powers available to us in the ASB, Crime & Policing Act 2014.

3.3 Any actions we take will be proportionate to the seriousness, impact and frequency of the behaviour, the level of risk it poses to those affected and the evidence available to support the case.

3.4 We will not take enforcement action where there is insufficient evidence or if it is not proportionate to do so. Where appropriate, we will support other agencies in taking action where they have the prime responsibility and powers to do so. If there is an ongoing police investigation, we may await the outcome of this before taking any action.

4.0 Policy definitions

4.1 Anti-social Behaviour (ASB)

4.1.1. The ASB, Crime & Policing Act 2014 defines ASB as:

- conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- conduct capable of causing housing-related nuisance or annoyance to any person

4.2 Harassment

4.2.1 A form of ASB that is targeted at a person or a group of people for any reason. The definition of harassment as set out in the Equality Act 2010 is:

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

WH recognises the definition as set out in the Act.

4.3 Hate incident / Hate crime

4.3.1 An act or acts of hostility or violence that is perceived by the victim or any other person to be motivated by hostility or prejudice based on their race and ethnicity, religion and beliefs, sexual orientation, disability or transgender identity.

5.0 Roles and responsibilities

5.1 Investigation of ASB or nuisance

5.1.1 The following are classified as activities associated with ASB and will be investigated by the ASB team:

- threatening or intimidating behaviour
- verbal abuse
- criminal behaviour in all properties managed by WH, including drug dealing and cultivation
- hate incidents and hate crime in council tenancies
- domestic violence / abuse in council tenancies
- ASB occurring in open spaces such as parks
- ASB impacting on shopping areas and businesses

This is not an exhaustive list and responsibility for the investigation of each case will be assessed on the circumstances of the issue(s) being reported.

5.1.2 The following list provides examples of activities that could be considered as nuisance:

- dogs barking excessively
- unreasonable domestic noise, for example, persistent night-time disturbances
- frequent and persistent loud music
- garden related nuisance
- fly tipping and rubbish related nuisance
- causing an obstruction with vehicles and misuse of disabled parking bays
- nuisance from vehicle repairs
- communal area related nuisance
- persistent foul language

This is not an exhaustive list. Each report will be assessed on the circumstances of the issue(s) being reported and either advice will be given, or the matter will be investigated.

5.2 What WH will not investigate

5.2.1 We are committed to developing and sustaining communities throughout Wolverhampton and expect a reasonable level of tolerance between neighbours. It is necessary that individuals and communities recognise and accept responsibility to discuss and resolve some situations locally.

Examples of what we do not consider to be ASB are:

- reasonable domestic noise, such as: noise from vacuuming, doors closing, washing machines, televisions, footsteps, mowing lawns, DIY / repairs
- one-off incidents of loud music / noise disturbance, including celebrations, family and religious events
- noise transference due to poor sound insulation
- cooking smells
- cats defecating in neighbours' gardens
- children playing (including ball games) in their homes or in the locality of their homes or a designated playing area
- babies crying
- staring

- parking congestion in the street

5.2.2 Customers who contact WH to report the above issues will be provided with appropriate advice at the first point of contact and the enquiry will be logged. This is not an exhaustive list and the advice given will be based on the circumstances of the issue being reported.

5.3 Investigation of noise and environmental issues in non-council properties and on CWC-managed private land

5.3.1 Complaints about noise, together with other environmental nuisance such as fly tipping, dog fouling, etc. in private housing or on CWC-managed or private land are investigated by CWC's Environmental Health – Public Protection team.

5.4 What WH will do

5.4.1 When you contact WH, depending on the nature of the issue you are reporting (as defined in paragraphs 5.1 and 5.2 above) we will either provide you with advice at the first point of contact or refer the matter to the ASB team or the Tenancy Management team for investigation. We may also signpost you to other agencies who we feel may be able to assist you.

5.4.2 We will consider your needs and the harm the ASB or nuisance causes you. We will consider the risks to you and, where appropriate, we will work with other agencies to protect your safety, provide you with support.

5.4.3 We will tell you who will handle your ASB / nuisance case. We will investigate the matter and we may use monitoring equipment to assist us.

5.4.4 We will not disclose your details to the alleged perpetrator(s) without your consent and we will keep you informed of the actions we take.

5.4.5 We will use a range of preventative measures, early intervention and, where it is necessary and proportionate, we will take legal action to tackle ASB.

5.4.6 We will contact you before we close a case and give our reasons for doing so.

5.5 What we expect of our customers

5.5.1 We expect residents of Wolverhampton not to commit ASB or nuisance, or harassment.

5.5.2 We expect you to resolve minor disputes or disagreements with your neighbour(s).

5.6 Support for vulnerable perpetrators

5.6.1 We recognise that some perpetrators may have support needs. If we are made aware by the perpetrator or by information from another source that the person has or may have support needs, we will explain our concerns and invite the perpetrator to discuss their needs with us.

5.6.2 We will seek consent from the perpetrator to make a referral to any Wolverhampton Homes, City of Wolverhampton Council department or external organisation on their behalf where appropriate. Where the perpetrator is already engaged with a support service, we will discuss with the perpetrator sharing relevant information with that service.

5.6.3 We reserve the right to make referrals, including, but not limited to, a safeguarding referral and/or to the police without the permission of the individual(s) concerned where the situation and provision of the Data Protection Act and any other legislation justifies it.

5.6.4 When the perpetrator is a young person, we will attempt to engage with their parents or guardians to offer support. This could include working with the City of Wolverhampton Council's Strengthening Families and Social Work teams.

5.6.5 If a perpetrator of anti-social behaviour refuses to or stops engaging with an appropriate support service without good reason, or if they accept support but the anti-social behaviour continues, we will consider taking legal action.

5.6.6 In all action taken, Wolverhampton Homes will have due regard to not disadvantaging those protected by the Equality Act 2010.

6.0 Monitoring

6.1 We will monitor and review this policy in response to legislative, regulatory, best practice or operational issues.

7.0 Interdependencies and related policy

7.1 If you are unhappy about the way your report(s) of ASB have been handled

- You can let us know by contacting our Customer Feedback team: <https://www.wolverhamptonhomes.org.uk/contact-us/complaints-and-feedback/>
- You can ask for your case to be reviewed under the Community Trigger: <https://www.wolverhampton.gov.uk/community/community-trigger>

7.2 How we will handle your information

7.2.1 We will store your information securely in line with our Privacy Policy.

7.2.2 We may share your personal information with other agencies. We will only share information where we have information sharing protocols in place and / or confidentiality agreements in place. We will also give information to other agencies where we have a legal obligation to do so or where there are safeguarding concerns.

7.3 Safeguarding

7.3.1 We will follow our safeguarding policies and procedures if there are concerns for the safety of someone who is vulnerable.

8.0 Equality Impact Assessment (EIA)

8.1 An Equality Impact Assessment was considered by the Equalities Circle Forum (ECF) in December 2019; the ECF members were satisfied that this policy does not have any negative impact on protected groups.

9.0 Associated procedures

- ASB legal procedure
- ASB procedure
- Community trigger procedure
- Customer feedback process
- Process for management of cases that meet the 'absolute ground' for possession (as defined in the ASB, Crime & Policing Act 2014)
- Safeguarding adults procedure
- Safeguarding children procedure