

ANTI-SOCIAL BEHAVIOUR

Policy Document





CONTENTS

1.0 Scope and purpose	3	4.3 We will treat reports of ASB will promptly, seriously, professionally, and effectively, by:	9
2.0 What is anti-social behaviour?	3	4.4 We will deal with ASB firmly, fairly, proportionately and holistically, by:	9
3.0 The Council's responsibilities:	7	4.5 We will collaborate with partners and stakeholders in order to deliver an effective ASB service for our communities, by:	10
3.1 Our role as a Social Landlord:	7	4.6 We will deliver a high-quality service, by:	10
3.2 Partnership working:	7	5.0 What we expect from residents	11
3.3 Our role in protecting the environment	7	6.0 Legislation	13
4.0 The Council's principles:	8		
4.1 No one should have to suffer from ASB:	8		
4.2 Prevention:	8		



1.0 SCOPE AND PURPOSE

This policy is intended to fulfill the requirements of the Housing Act 1996 with regards to the publication of the policies and procedures of a local housing authority in relation to anti-social behaviour (ASB). The policy tells you what ASB is and sets out the guiding principles for those officers in the Council who deal with ASB. It says what we want our services to achieve for residents experiencing ASB and sets out the principles on the kind of service level and quality we aim to provide. This policy does not outline how we will deal with ASB on a day-to-day basis: this is covered in our Procedures document. In this document (and the Procedures document) we will make it clear when a policy or a power applies only to Council tenancies.

This policy is written with consideration given to the "HM Government Anti-social Behaviour Action Plan" March 2023, which has safety, security and a basic respect for others at its heart.



2.0 WHAT IS ANTI-SOCIAL BEHAVIOUR?

A legal definition of ASB can be found in the Anti-Social Behaviour Act 2014:

- 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.

Anti-social behaviour covers criminal and non-criminal behaviour, including:

- Intimidatory behaviour, such as threatening or unruly behaviour, drunkenness, harassment and loitering in public spaces.

- Drug use, and the paraphernalia, mess and disruption that can go with it.
- Vandalism, graffiti, and the plague of fly-tipping and littering.
- Disruptive neighbours consistently playing loud music.
- Hate crime and incidents.

Anti-social behaviour cases are triaged to determine the Council's response time as described below in Table 1. This is not an exhaustive list, and the categories may change depending on the circumstances or vulnerabilities to ensure a tailored and appropriate response.

Table 1 - Anti-social behaviour categorisation table

CATEGORY	DEFINITION	RESPONSE TIME
A	<ul style="list-style-type: none"> • Reports involving serious risk to individuals or the neighbourhood, which may include a serious threat of violence or other criminal activity. Incidents such as serious threats of violence or abuse, assault, violent criminal activity, drug dealing or hate crime must be reported to the police by either phoning 101 (999 in an emergency) or reporting online. • Reports where individuals with care and support needs are involved. • Reports, originally classed as 'Medium', where it now appears to the case officer that a more serious position has developed or may be developing. • This category includes the following types of anti-social behaviour (This list is not exhaustive): • Hate related incidents (hostility towards a person's race, sex or ethnicity, sexual orientation, disability, religion or belief, or transgender identity). • Physical violence and threats of harm. • Child or adult safeguarding including cuckooing. • Domestic abuse. • Aggressive, predatory and intrusive sexual behaviour. • Serious harassment, intimidation and threatening behaviour. • Racist or offensive graffiti following a report. • Threats to Birmingham City Council staff. • Allegations of sex working and sexual acts. 	1 working day
B & C	<ul style="list-style-type: none"> • Reports of behaviour that is persistent or unreasonable and cannot be addressed by mediation. The Neighbour Relations Service are a partnering service. <p>This category includes the following types of anti-social behaviour (This list is not exhaustive):</p> <ul style="list-style-type: none"> • Noise disturbances due to unreasonable behaviour. • Other forms of serious anti-social behaviour, which in the Council's opinion, need priority but do not warrant an urgent or immediate response. • Complaints that have potential for rapid escalation to category A. • Other forms of anti-social behaviour, and neighbour nuisance. 	10 working days

CATEGORY	DEFINITION	RESPONSE TIME
B & C	<ul style="list-style-type: none"> • This category includes the following types of anti-social behaviour (This list is not exhaustive): • Pets or animal nuisance. • Misuse of public/communal space. • Untidy gardens that may harbour vermin or present a public health risk. • Litter, incorrect refuse disposal from domestic and commercial properties, fly tipping and dog fouling. • Running a business without permission that impacts on the neighbourhood. • Nuisance from vehicles such as untaxed vehicles and car repairs. 	10 working days

We are limited to what action we can take in the following incidents, and would encourage residents to resolve situations where they can:

- Parking issues outside your home.
- Civil disputes between neighbours.
- Day-to-day noise, for example from washing machines, toilets flushing, vacuum cleaners, footsteps on floors, babies crying.
- DIY or car repairs (unless they are being done late at night or as part of an illegitimate business).
- Ball games, children playing in public or communal areas, or youths gathering socially (unless they are causing a nuisance).
- Barbecues, cooking smells, the hours people keep or a clash of lifestyle differences.

3.0 THE COUNCIL'S RESPONSIBILITIES:

Birmingham City Council believes that no-one should tolerate anti-social behaviour. The Council works in partnership with other agencies and will use appropriate tools and powers available to local authorities to address anti-social behaviour. The policy sets out our approach to fulfilling our duties.

3.1 Our role as a Social Landlord:

Birmingham City Council believes that every individual is entitled to peaceful enjoyment of their home and surrounding areas. We are committed to fulfilling our duties of investigating and resolving ASB issues that creates disturbance to residents. As a landlord, we have a duty, under the Anti-social Behaviour Act 2003 to respond to ASB affecting the properties we manage. We now have a range of additional powers to take action against those causing ASB under the Anti-social Behaviour, Crime and Policing Act 2014.

3.2 Partnership working:

Many ASB cases will require the involvement of partner agencies and services to resolve the problem. City Housing will work with partner agencies such as the Police, other council departments and providers, as well as support services, for example Social Services, Education, Health, Youth and Fire Services. We will carry out joint interviews or home visits to Complainants and Perpetrators to assess support needs or issue warnings. Our involvement with partners varies, dependent on stock numbers and profile within each area. We are members of the Birmingham Community Safety Partnership and contribute to decisions relating to housing, including community safety in local areas through participation in Local Community Safety Partnerships.

Under the Crime and Disorder Act 1998, we must work with the police and other agencies to reduce crime and disorder in Birmingham.

3.3 Our role in protecting the environment

The Council has a range of responsibilities to deal with environmental ASB. Examples include noise, graffiti, litter, fly tipping and abandoned cars. These responsibilities arise from a number of Acts and local bylaws, but in particular from the Environmental Protection Act 1990. Whilst these three are distinct roles, there are very strong links between them, and close working arrangements have been developed and continue between the teams that deliver the various services. Environmental ASB is tackled by several different teams within the Council, each of which works to its own set of policies and procedures.

4.0 THE COUNCIL'S PRINCIPLES:

The Council values and behaviours are:

- We put citizens first.
- We are empathetic and respectful in everything we do.
- We are true to our word.
- When we make promises, we keep them.
- We act courageously.
- We lead, we manage, and we tackle the difficult issues: every day, every one of us.
- We achieve excellence.
- We get things right. First time every time.

The Council applies a problem-solving approach to reports of antisocial behaviour by ensuring the following principles are met.

4.1 No one should have to suffer from ASB:

We will:

- Make residents aware of what anti-social behaviour is, ensuring all information is accessible.
- Publicise and promote our various services to tackle ASB.
- Encourage residents to report ASB and make it as easy as possible for them to do this using a range of reporting methods.
- Respond to each reported case of ASB within our target times.
- Set out an initial plan of action, risk assessment in line with the service standards, that sets out how we will keep the complainant informed of progress and possible enforcement powers.
- Proactively prevent ASB through active engagement with residents and the community and through partnership working with relevant organisations.

- Ensure that you feel we have listened to you. We will be open and honest focusing on resolving the problem, being realistic about what we can deliver.

4.2 Prevention:

We will:

- Ensure we engage and consult with residents on decisions around potential ASB flash points, for example car parking.
- Have a proactive approach to the needs of youth and children by identifying support needs and facilitating signposting to partnership agencies.
- Tackle environmental health issues affecting our housing management function such as waste management and refuse disposal.
- Ensure management of communal and shared spaces.
- Have greater awareness of people with support needs through tenancy support services.
- Be responsive to vandalism and damage to properties and communal areas.
- Have an informed and sensitive approach to pets.
- Co-design out ASB opportunities with residents during major works, regeneration and estate improvement
- Ensure the teams identify and share learning from ASB incidents, to implement initiatives and estate intervention plans to prevent further ASB from occurring.

4.3 We will treat reports of ASB promptly, seriously, professionally, and effectively, by:

- Encouraging and supporting residents to be involved in remedying antisocial behaviour by using the tools and technology available.
- Assessing the ASB reported to us and take action in accordance with our service standards.
- Treating all reports as personal information under the General Data Protection Regulations 2018 and 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.
- Sharing information with other organisations for the prevention or detection of crime or disorder, in accordance with data protection laws and information sharing agreements.
- Encouraging residents to report criminal activities that are reported to the council are also reported to the police.
- Fully investigating the complaint, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses.
- Referring cases between the different departments of the Council and to other agencies, as necessary.
- Ensuring cases are not open longer than is deemed necessary and inform the complainant, using their preferred method of contact.
- Respond promptly to complaints about the service. Register each case with a unique reference number and named dedicated officer.
- Explaining our reasons if we are unable

to take action, and suggest other alternative courses of action.

4.4 We will deal with ASB firmly, fairly, proportionately and holistically, by:

- Prioritising responses to the most serious cases, based on the details of the case, taking any necessary early action to protect residents and property.
- Investigating the circumstances and seek to understand all the facts of any matter reported to us.
- Ensuring residents are fairly treated, without discrimination on any grounds including those identified as protected characteristics in the Equality Act 2010, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, or any other unjustifiable criteria.
- Seeking to resolve cases at the lowest level of intervention, taking swift and appropriate formal action when the ASB is serious or persistent or when it threatens residents' safety or health.
- Use the legal and non-legal tools and powers available to us according to professional and legal judgment.
- Take an impartial and tailored approach to finding sustainable solutions to effectively address ASB incidents, to ensure that tenancies can be sustained where possible.
- Consider proportionality and adjust our approach, when a complainant or perpetrator is a vulnerable person.
- With the consent of the residents involved, refer suitable cases to mediation.

4.5 We will collaborate with partners and stakeholders in order to deliver an effective ASB service for our communities, by:

- Playing a full part as a lead member of the Birmingham Safer Communities Partnership, to ensure strong partnerships with local communities and organisations.
- Participating in relevant strategic or preventative initiatives.
- Participating in multi-agency workgroups dealing with ASB trends. work with social housing providers, private landlords, letting agents, universities and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB making use of their own resources.

4.6 We will deliver a high-quality service, by:

- Ensuring that staff members are aware of their responsibilities and roles in tackling ASB, including early intervention and prevention measures, safeguarding vulnerable people, commitment to multi-agency working and tailoring approaches in line with best practice.
- Ensuring early identification and intervention of ASB cases.
- Ensuring that staff dealing with ASB are trained in all relevant legislation including equality, diversity, mental health including capacity and safeguarding.
- Ensuring that staff dealing with ASB follow agreed policies and procedures
- Take action on the feedback and improve our ASB service by learning from mistakes.
- Obtaining residents feedback through surveys of users of the ASB service provided by Birmingham City Council to rate their satisfaction with the service.
- Using data-driven approaches in addressing ASB incidents.
- Regularly reviewing and assessing ASB incidents to ensure the needs of complainants and communities are met.
- Acting on any negative feedback to improve our service when appropriate.
- Explaining to the complainants how their evidence will be used and their role in possible court proceedings.
- Ensuring Home Office Principles on ASB are followed.



5.0 WHAT WE EXPECT FROM OUR RESIDENTS:

- Resolve minor disputes prior to reporting, where possible.
- Report incidents to the police, environmental health and other partners.
- Engage with Birmingham City Council.
- Keep records, and keep Birmingham City Council informed.
- Communicate with Birmingham City Council as per agreed action plan.
- Be a thoughtful and considerate neighbour.
- Consider mediation to resolve complaints and disputes with your neighbour.
- Let us know if you need any advice, help or support to help you resolve the ASB problem.
- Work with us to gather evidence so we can resolve the ASB Issue together.
- Complete a Customer Satisfaction Survey through the link provided in your closure letter so you can tell us about your experience in how we handled your ASB Case, this will help us to continuously improve our service to you and respond in the best way possible.
- Report all incidents involving serious risk, threat, harm or other criminal activity such as Drug Dealing either to individuals or the neighbourhood to the Police.

- **Comply with the conditions of tenancy to be as tolerant as possible in situations such as:**
- Parking issues outside your home.
- Civil disputes between neighbours.
- Day-to-day noise, for example from washing machines, toilets flushing, vacuum cleaners, footsteps on floors, babies crying.
- DIY or car repairs (unless they are being done late at night or as part of an illegitimate business).
- Ball games, children playing in public or communal areas, or youths gathering socially (unless they are causing a nuisance).
- One-off parties.
- Barbecues, cooking smells, the hours people keep awake or a clash of lifestyle differences.
- Bin locations.
- Communicate with residents for a positive community, to avoid escalation, taking compassionate consideration of resident's personal circumstances.



6.0 LEGISLATION

- Our policy commits us to trying to reach a fair and lasting solution to ASB problems as quickly as possible. In most non-serious cases, we will start with low-level action and then, if this does not stop the problem or reduce it to a reasonable level, start to take increasingly stronger measures. The Council (on its own or in partnership with other agencies) can deal with ASB problems in a variety of ways.
- The approach we will take in any individual case will depend on a large number of factors, in particular whether the problem is housing-related, environmental or involves ASB in the wider community.
- We are committed to using the tools and powers available to us under the law, according to our best professional. However, legal remedies will usually take time, will be expensive and the solution may be beyond our control. Lead officers will explain to complainants of ASB that if a case goes to court, it will be the Court and not the Council that will decide whether an action, like an injunction or eviction, is justified.
- The following actions are possible for cases of serious ASB and are escalations on from the actions detailed above:
 - Serving a Notice Seeking Possession on secure tenants (Discretionary Grounds),
 - Serving a Notice Seeking Possession on secure tenants (Absolute Grounds),
 - Serving a Notice of Possession, Proceedings on Introductory Tenants,
 - Serving a Notice of Extension on Introductory Tenants,
 - Possession Order,
 - Injunctions (Without notice),
 - Injunctions (With notice),
 - Undertakings,
 - Committal,
 - Parenting Orders,
 - Closure Notice,
 - Closure Order,
 - Community Protection Notices,
 - Public Space Protection Orders,
 - Fixed Penalty Notices for breaches of CPN and PSPO,
 - Demoted Tenancies.

Prior to taking Legal action, a proportionality assessment will be carried out to ensure our actions do not discriminate against the perpetrators and we have paid due regard to the Equality Act 2010.

If we do have to take legal action, together with our partners, we will make full use of the enforcement powers available to us under relevant legislation, including the following:

- Anti-Social Behaviour, Crime and Policing Act 2014 (As amended),
- Anti-Social Behaviour Act 2003,
- Crime and Disorder Act 1998,
- Data Protection Act 1998, 2003 and 2018,
- Domestic Abuse Act 2021,
- Equalities Act 2010,
- Housing Acts 1985, 1996 & 2004,
- Environmental Protection Act 1990 & 2002,
- Mental Health Act 1983 (amended 2007),
- Human Rights Act 1998,
- Freedom of Information Act 2000,
- Care Act 2014,
- Local Government Act 2000.

***This list is not exhaustive

