



**Council Housing
Anti-Social Behaviour Policy
2018 - 2021**

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1.0 Introduction

The main purpose of this policy is to set out Babergh and Mid Suffolk District Councils' (BMSDC) approach to managing anti-social and nuisance behaviour by Council tenants.

We believe that everyone has a right to live in a safe environment that allows them to enjoy their home and community. Anti-social behaviour (ASB) can be a destructive force within communities and the lives of a significant number of people within our communities can be blighted by the behaviour of an unreasonable minority making other people's life unbearable. Anti-social behaviour can also damage the sustainability of communities and adversely affect our ability to let our properties.

Anti-social behaviour is taken very seriously by the Councils and will not be tolerated. We expect our tenants, members of their family, including children or visitors to their home to show consideration and toleration for their neighbours and the wider community.

In order to provide a quality housing service and to ensure Babergh and Mid Suffolk are safe places to live, we recognise that we must be effective in tackling ASB and addressing the problems it creates. We will focus on preventative measures to reduce the incidence of ASB or early intervention measures where incidents have occurred to avoid escalation. We will look to provide support to those perpetrators who are willing to change their behaviour and although we will seek to resolve complaints of ASB informally, we will take formal or legal enforcement action including seeking eviction when necessary.

We maintain that any complaints of ASB remain an allegation until proven or legally tested. We will always take a measured, reasonable and proportionate approach to enforcement based on the available evidence.

We recognise we cannot tackle ASB amongst our tenants without the support and assistance of other internal departments and external agencies, therefore we will continue to place importance on, and enhance our working relationships with our partners.

We will deliver our commitments to managing ASB and nuisance by following our policy and procedures.

2.0 Aims

The main aims (what we want to achieve) of this policy are:

- To send a strong message to our tenants that ASB will not be tolerated;
- To reduce both the incidence and fear of ASB through prevention;
- To introduce early intervention to avoid ASB escalating;
- To make Babergh and Mid Suffolk safer places to live, work and visit;
- To encourage residents to take responsibility for their own lives and communities, and to resolve their own problems in a reasonable manner;
- To encourage tolerance of, and respect for, others in the community;
- To make it easy for people to report ASB;
- To be clear about how we will manage ASB cases and be transparent about our decision making processes;
- To provide clear expectations to complainants and alleged perpetrators.

3.0 Objectives

The main objectives (what we will do to achieve our aims) of this policy are:

- Effectively communicate and publicise our approach to managing ASB;
- Where there are proven breaches of tenancy we will actively enforce the terms of the tenancy agreement through formal enforcement and legal action;
- To prevent ASB through the use of Introductory Tenancies;
- Proactively work to identify our most vulnerable tenants and provide appropriate support to prevent ASB;

- Actively work in partnership with other departments and external agencies to provide a joined up efficient approach;
- Provide alleged perpetrators and complainants with the tools to effectively manage ASB and neighbour disputes;
- To allocate a response time to every new complaint that is made;
- Provide advice, support and regular updates to complainants, victims and witnesses in accordance with the Data Protection Act 1998;
- Ensure value for money is embedded in our work by actively monitoring our costs and performance and that we understand how we are performing in delivering our ASB service.

4.0 What is anti-social behaviour?

4.1 Legal definition

The Government defines ASB in the Crime and Disorder Act 1998 as:

“Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant)”.

The Anti-Social Behaviour, Police and Crime Act 2014 defines ASB as:

- 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;*
- c) Conduct capable of causing housing-related nuisance or annoyance to any person.*

4.2 What does the term anti-social behaviour mean?

Anti-social behaviour is a term which covers a disparate range of conduct from tensions between neighbours to violent and intimidatory behaviour. Anti-social behaviour covers a wide range of unacceptable activity that causes an annoyance or disturbance to an individual, to their community or to their environment. This could be an action by someone that leaves a person feeling alarmed, harassed or distressed. If a problem becomes persistent and disputes happen frequently then this is defined as ASB.

For our purposes (under the remit of this policy) we describe ASB as:

- Abandoned vehicles within a tenancy boundary or on housing owned land;
- Animal, pet and pest related nuisance;
- Arguing, shouting & swearing;
- Damage to property;
- Deliberate acts so as to antagonise or cause harassment alarm or distress to another person (this could include acts not normally considered to be anti-social behaviour);
- Domestic abuse and violence - we use the government’s current definition of domestic abuse, which is: *‘any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial, and emotional;’*¹
- Drunkenness;
- Dumping rubbish and fly tipping;
- Proven harassment and intimidation;
- Illegal or immoral activity on conviction including but not limited to: assault, criminal damage, prostitution, kerb crawling, drug and substance misuse;
- Inconsiderate or incorrect disposal of household waste including leaving refuse outside of the property on other day than the day of collection;
- Making false or malicious complaints about the behaviour of another tenant;
- Neighbour disputes;

¹ <https://www.gov.uk/guidance/domestic-violence-and-abuse>

- Proven cases of statutory noise nuisance - *The Environmental Protection department has powers to act against residents who cause nuisance to neighbours and it is believed to be deliberately anti-social. Proven cases of statutory noise nuisance, including where a noise abatement notice is served will be dealt with as a breach of tenancy. Types of noise which may be seen as a nuisance is described as but not limited to: animal noise i.e. cockerels and barking dogs, drilling, loud music, and the use of musical instruments;*
- Proven cases of threatening behaviour, verbal abuse;
- Untidy and overgrown gardens;
- Vehicles that are parked on housing owned land in a way that causes an obstruction to other road users.

4.3 Complaints that Tenant Services will not lead on include:

- CCTV / security camera related nuisance;
- Complaints about tenants of another housing provider, a private tenant or owner occupier;
- Domestic abuse and violence;
- Environmental issues such as abandoned cars outside of a tenancy boundary, bonfires and fly tipping.
- Harassment and intimidation;
- Hate crime;
- Highways related matters including parking illegally or inconsiderately on private land;
- Illegal or immoral activity;
- Hoax calls to emergency services;
- Noise nuisance;
- Threatening behaviour and verbal abuse;
- Violence to person.

4.4 What is not considered to be Anti-Social Behaviour?

Behaviour which results from different lifestyles or which would not generally be considered unreasonable is not ASB. It is important that we are realistic when advising complainants what we can and cannot do in relation to a complaint of ASB or neighbour nuisance. We will not treat as ASB matters relating to residents going about their normal everyday activities, unless this constitutes a breach of their tenancy.

Below are examples of issues which may upset or disturb people and which cannot be dealt with as ASB are:

- Babies crying;
- Children playing (including balls games);
- Cooking smells;
- Doors and drawers being shut;
- Dishwashers, hoovers, tumble dryers, washing machines and or other household appliances;
- Footfalls (people walking on floors or upstairs);
- Flushing toilets and running water;
- Lights switches being turned on and off;
- Loud talking or laughing;
- One-off or isolated incidents e.g. a party or an argument or altercation;
- People carrying out DIY jobs.

5.0 Legislation

The following summarises the legislation that impacts upon our management of ASB and neighbour nuisance.

- The Anti-Social Behaviour Act 2003 – places a duty on social landlords to publish ASB policies and procedures. The Act also gives us powers to apply for a demotion order (demoted tenancies);

- The Anti-Social Behaviour, Crime & Policing Act 2014 introduced new powers which aim to enable the police, local councils, social landlords and other agencies to better tackle ASB, and enable victims and communities to feel safe in their own homes and neighbourhoods;
- Data Protection Act 1998 - we recognise that we have a duty to protect any individual's identity and have an obligation to protect personal information under the Data Protection Act 1998. We understand that data must be obtained and processed fairly and lawfully, and that we must not keep information longer than is necessary;
- The Environmental Protection Act 1990 is relevant to ASB in circumstances where the local authority environmental protection department consider that a noise amounts to a statutory noise nuisance where an Abatement notice is served. It also refers to other potential such as bonfires, accumulations of refuse and security floodlights;
- The Housing Act 1985 provides a sanction for perpetrators of nuisance and ASB where they are tenants or other persons who are affecting those lawfully in the area. Eviction for ASB can be achieved under Schedule 2 of the Act;
- The Housing Act 1996 amends the Housing Act 1985 and gives social landlords more powers against ASB by strengthening ground for possession;
- The Housing Act 2004 – ASB powers are strengthened and extended around possession proceedings in relation to mutual exchange the right to buy. It also provides the ability to extend introductory tenancies;
- The Housing (Homeless Persons) Act 1977, Housing Act 1996, and the Homelessness Act 2002, placed statutory duties on local housing authorities to ensure that advice and assistance to households who are homeless or threatened with homelessness is available free of charge. All households that apply for assistance under the Housing and Homelessness Acts are referred to as 'decisions'. The Councils are required to consider housing needs within its area, including the needs of homeless households, to whom local authorities have a statutory duty to provide assistance;
- The Human Rights Act 1998 brought much of the European Convention on Human Rights to the UK. We must act consistently with convention rights – we must be mindful that action we take to tackle ASB must comply with obligations placed on the local authorities;
- The Regulation of Investigatory Powers Act 2000 (RIPA) is a piece of legislation and a procedural framework to regulate the way investigatory powers are used by organisations such as the Councils. RIPA is in place to protect the public. The Human Rights Act gives powers and a qualified right to interfere in people's private lives however the RIPA framework if adhered to ensures organisations that might want to use covert surveillance techniques to investigate people to comply with the Human Rights Act.
- Equalities Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single act making the law easier to understand and strengthening protection in some situations.

6.0 Tenant responsibilities

We will provide every tenant with a Tenancy Agreement setting out their responsibilities in terms of ASB. Information about tenant's responsibilities will be reinforced at key stages of their tenancy:

- As part of communication as a result of a complaint;
- Customer contact;
- Home visits;
- In the Tenancy Agreement;
- In Tenant's newsletters;
- New tenancy sign ups (in person or digital);
- On our website.

7.0 Stages of case management

7.1 Stage 1 - Resolving the situation within the community

Before reporting ASB or nuisance behaviour to the Councils, and only if it is safe to do so, we will always recommend a person tries to talk to their neighbour who is causing the problem in the first instance. This can often resolve problems straight away. The Citizens Advice Bureau has some helpful tips on

how to deal with common neighbour disputes available online www.citizensadvice.org.uk. The local Citizens Advice Bureau office may also be contacted for advice.

7.2 Stage 2 - Reporting anti-social behaviour

If an individual feels they are not able to approach their neighbour, or if all attempts to solve the problem amicably have been exhausted and the complaint constitutes a persistent nuisance, that individual can report a problem to us which will be allocated to, and managed by a Housing Officer.

We operate a consistent recording system for complaints. Our preferred option is to log incidents using our 'anti-social behaviour reporting form' which is available on our website <http://www.midsuffolk.gov.uk/housing/nuisance-and-anti-social-behaviour/> or <http://www.babergh.gov.uk/housing/nuisance-and-anti-social-behaviour/>. We will however also accept complaints in writing to the Council's headquarters, by email or by telephone. If you require support in making a complaint you can visit one of our customer access points in Stowmarket or Sudbury.

Stowmarket – 54 Ipswich Street, Stowmarket, IP14 1AD

Sudbury – Town Hall, Old Market Place, Sudbury, CO10 1TL

Anonymous complaints

Our policy is not to accept anonymous complaints, however, in exceptional circumstances, where the reported nuisance is extreme, can be evidenced, and is deemed to be having a significant effect on others in the community, we will investigate as appropriate.

Making a complaint on behalf of another person

If someone is making a complaint on behalf of another person, we will require that person's authorisation to proceed with investigating the complaint.

When a complaint is not accepted

If a complaint does not constitute ASB or falls outside of our remit as a landlord, a Housing Officer will contact the complainant to outline the reason(s) why we will not progress the complaint either by telephone, in writing, or in person. Housing Officers may if appropriate signpost the complainant to other services or agencies who may be able to assist or to other sources of information which may be of help to them. If a complainant disagrees with a decision not to accept a complaint or they have additional information that has not yet been considered, they can appeal and ask for an independent officer to review their original complaint.

Reporting noise nuisance

If the problem is about noise, there are noise template letters available on our website: <http://www.midsuffolk.gov.uk/environment/noise-and-disturbance/noise-nuisance/noise-template-letters/> or <http://www.babergh.gov.uk/environment/noise-and-disturbance/noise-nuisance/noise-template-letters/>. These letters enable individuals to express clearly to the person creating a noise problem exactly what the issue is, the effect it is having and what they would like the person to do about it. These letters can be used in their current format or as a guide to writing a new letter. We always recommend a person keeps a copy of any letters they send to a neighbour.

Any reports of noise nuisance need to go to the Councils' Environmental Protection team in the first instance. Noise can be reported online <http://www.midsuffolk.gov.uk/environment/noise-and-disturbance/noise-nuisance/> and <http://www.babergh.gov.uk/environment/noise-and-disturbance/noise-nuisance/>.

Making a complaint about a tenant of another housing provider, a private tenant or owner occupier

If a complaint is about ASB coming from a tenant of another housing provider, a private tenant or owner occupier, a person can report this to the Community Safety Partnership (CSP) online at <http://www.midsuffolk.gov.uk/communities/community-safety/anti-social-behaviour-asb/> or

<http://www.babergh.uk/communities/community-safety/anti-social-behaviour-asb/> . A person can also report an issue to the Police which (see below) which will be allocated to the local Safer Neighbourhood team. Appropriate support will be signposted via the Community Safety Partnership.

Reporting police related matters

The following should be reported to the police in the first instance:

- Domestic abuse or violence;
- Hate crime;
- Harassment;
- Other criminal or police related matter.

There are a number of ways to get in touch with Suffolk Constabulary depending on the urgency and type of request. Issues can be reported online through Suffolk Constabulary <https://www.suffolk.police.uk/contact-us/report-something> or an individual can call the non-emergency number 101. An individual should always call 999 when a person is in immediate danger, life is threatened, if people are injured, if there is a crime in progress or an immediate police response is necessary.

Report a welfare matter

If an individual wishes to report a welfare concern about an adult or there are concerns that a vulnerable adult is at risk of abuse, harm or neglect non urgent adult referrals can be made to Customer First (Suffolk County Council's Social Services) online at www.suffolk.gov.uk .

Concerns about a child at risk of harm, abuse or neglect can be reported by calling 0808 800 4005. The NSPCC also run a child protection helpline on 0808 800 5000.

7.2.1 Assessing a complaint and response times

Upon receiving a complaint, a Housing Officer will make an assessment to determine if a complaint constitutes ASB – this process will be carried out in line with this policy. If a complaint is accepted, and it is determined that it is reasonable and proportionate to conclude that a tenant (member of their family or someone visiting) may have been conducting ASB based on the information we have received, we will prioritise the complaint, which will allow us to allocate an appropriate priority and response time for dealing with the complaint.

The focus needs to be on those behaviours that have a significantly negative impact on the quality of life of others in the community, but does not necessarily take the form of criminal behaviour such as drugs, criminal damage, harassment etc. It is on this basis, we will prioritise incoming complaints which will allow us to target and prioritise resources.

Priority and response times are as follows:

Category	Type of complaint	Response time
Urgent	Domestic abuse and violence, hate crime, violence to person and damage to property	By the end of the next working day
Non-urgent	All other complaints	Within 10 working days

We will notify the alleged perpetrator, where appropriate, by telephone, in writing or in person, when a complaint has been made in accordance with the Data Protection Act 1998. We will never disclose the name of the person making the complaint.

7.3 Stage 3 - Investigating Anti-Social Behaviour (including prevention and intervention)

If it appears that a tenant has breached their tenancy conditions we will investigate further. This may include prevention, intervention and informal methods of resolving a complaint. Investigative measures may include:

- Acceptable Behaviour Contracts (ABCs) - a voluntary agreement made between the people involved in ASB, the Police and the Council;
- Arranging housing related support at an early stage for incoming tenants who are assessed as requiring it;
- Carrying out perception surveys and 'Street a Week' surveys in conjunction with the Police;
- Discussions at joint agency meetings;
- Negotiating with both parties;
- Letters;
- Home visits;
- In relation to new tenancies, at pre-allocation and allocation stage, appropriate reference checks will be made;
- Liaison with the local Police Safer Neighbourhood Team;
- Neighbour agreements;
- Phone calls;
- Providing helpful/guides and leaflets where available;
- Referrals to GPs, Children & Young Peoples Services, Adult & Community Services and the community mental health team;
- Referrals for housing support and intervention;
- Asking complainants to keep detailed records of the ASB experienced using nuisance log sheets. This is particularly important where eviction is considered. To comply with legislation such as The Regulation of Investigatory Powers Act 2000 (RIPA), and the Human Rights Act 1998, we will always inform a tenant when monitoring is being carried out by Housing Officers. Any noise monitoring taking place will be dealt with by the Environmental Protection department;
- Signposting to other agencies;
- Taking statements from both a complainant and the alleged perpetrator;
- Use of independent professional dispute resolution/mediation services (Catch 22);
- Working with other landlords;
- Working with or make referrals to other internal departments and external agencies where appropriate.

We will take a multi- agency approach including working with:

- Adult & Community Services;
- Children & Young People's Services;
- Community Safety Partnership (CSP);
- Environmental Protection Officers;
- Health service (including the community mental health team);
- Housing associations;
- Housing support agencies;
- Independent mediation services;
- Other internal departments as necessary;
- Public Realm;
- Mid Suffolk & Babergh Communities Officer (Safe);
- Police;
- Probation service;
- Schools;
- Shared Legal Services;
- Suffolk County Council Early Help;
- Suffolk County Council Local Area Co-ordinators
- Youth offending teams.

7.3.1 Formal enforcement and legal action

We will not tolerate ASB by our tenants which is having a detrimental impact on other people's lives. In cases of proven ASB the following formal enforcement and legal action may be used in conjunction with our Legal Services team:

Demoted tenancies

Demoted tenancies can be obtained in the County Court. This type of order allows us to replace a secure tenancy with a demoted tenancy (fewer rights and security).

Injunctions

An injunction is an order issued by the County Court to enforce the Tenancy Agreement or to prohibit ASB. The County Court can attach a power of arrest to an injunction if there is a threat of violence or significant harm to any person. There are two types of injunctions available to us 1) Perpetual (a final order), and, 2) Interlocutory (interim order pending the final outcome of the matter).

Issuing formal tenancy warnings

We can issue tenancy warnings and final tenancy warnings prior to issuing possession proceedings or taking another form of formal or legal action.

Issuing possession proceedings

Where appropriate we can issue any of the following legal notices:

- Notice of Seeking Possession (Schedule 2 to the Housing Act 1985 contains grounds upon which a court may grant an order for possession against a secure tenant);
- Notice of Possession Proceedings (Section 128 Housing Act 1996) – this allows for mandatory possession for Introductory tenants;
- Notice to Quit (where security of tenure has been lost);
- Applying for possession through the County Court - *action through court will be appropriate where cases of ASB are serious and/or persistent, and where strong supporting evidence of why the action being taken is available. This involves both written evidence of any nuisance being caused and/or verbal evidence given to the Court by neighbours affected by the particular nuisance;*
- Suspended court orders on terms (issued by the County Court);
- Outright possession court orders (issued by the County Court);
- Warrant of eviction (issued by the County Court).

Legal tools as part of the Anti-Social Behaviour Crime and Policing Act 2014

- Closure Powers;
- Community Protection Notices;
- Criminal Behaviour Orders;
- Civil Injunction (if ASB is proven to be housing related);
- Public Space Protection Orders;

7.4 Stage 4 – Closing a case

We will identify cases as being resolved where:

- There is evidence to show the behaviour has stopped;
- There is no longer a cause for concern;
- The complainant has not returned required evidence, so the behaviour cannot be proven;
- Following investigation (using the tools and powers to tackle ASB), no ASB could be evidenced;
- Independent professional dispute resolution/mediation has been offered and refused.

We will close a case in a timely manner where possible, in consultation with both parties. When closing a case, we will seek feedback from victims / complainants of how their case was handled and how satisfied they were with the process.

If a complainant does not feel their complaint has been resolved satisfactorily, they may provide additional information to us which has not already been considered, otherwise the next step is 'making a complaint about the service' (see section 15.0).

8.0 Supporting victims, witnesses, and perpetrators

We understand the personal stress that ASB can cause and we will therefore do everything we can to offer help, support, and protection to those affected by ASB. We also understand the positive impact of supporting alleged perpetrators of ASB. We will:

- Advise victims and witnesses of the courses of action available to us and involve them if they wish in deciding the action to be taken;
- Ensure people are able to report incidents of ASB to us with confidence;
- Ensure support is accessible for vulnerable individuals;
- We will consider making referrals to partner agencies as appropriate;

- Manage expectations by always being honest and realistic about the likely outcome of a case;
- Ensure people are supported if they are required to attend court as a witness in order to minimise distress; where the victim is in fear of violence, intimidation or reprisal, court proceedings can take place with professional witness statements made on behalf of the victim. Where witnesses are required in court the investigating officer may provide or signpost to some, or all, of the following support:
 - Full explanation of what to explain at court;
 - Transport to and from court;
 - Pre-court visit (where possible);
 - Referral to victim support or other support agencies if appropriate.
- Respect the confidentiality of victims and witnesses and keep them fully informed of key developments in accordance with the Data Protection Act 1998;
- Where safeguarding issues are uncovered as part of an ASB investigation such as abuse or neglect, the necessary referrals will be made to safeguard those who may be vulnerable.

Where a tenant feels they are unable to remain in their home they are eligible to apply for a transfer in accordance with the Council's Allocations Policy which allows for tenants to transfer under the Gateway to Homechoice. If a person is wishing to move for welfare reasons, or because they are a victim of ASB, the councils will consider reviewing a person's banding based on the information and evidence provided. Each case is considered on an individual basis and in line with supporting evidence. In extreme circumstances we may provide emergency accommodation or arrange a managed move. It is important to understand that not all requests for a transfer will meet criteria for an 'emergency case'.

9.0 Home safety

For people affected by domestic abuse or who are being threatened or physically harmed by someone who does not live with them, the Council may be able to provide additional security measures to make the property a safer place to live. We will use our discretion when making a decision whether a tenant is eligible for extra security measures or a tenant can be referred by a support agency, such as the Police, Victim Support, or health service. If a tenant is deemed appropriate for works, their individual needs will be assessed by a specialist organisation, currently Safe Partnership limited (registered charity) who will visit the home to complete a risk assessment of the property before works are recommended. Works could include new locks, heavy-duty doors, additional window security and fire proof letter boxes. Agreed measures will be completed as soon as possible, cases are marked as urgent or non-urgent – these priority response times are allocated by Safe Partnership.

Following the installation of security measures, we recommend that a tenant receives a 'Safer Home Visit' by the Suffolk Fire Service. If eligible for a visit, the Suffolk Fire Service will discuss fire safety in general as well as means of escape specific to the property, in the event of a fire. A person can check if they are eligible for a visit online <https://www.suffolk.gov.uk/suffolk-fire-and-rescue-service/fire-safety-in-the-home/check-if-youre-eligible-for-a-safer-home-visit/> . We can make referrals when appropriate in order for a visit to be arranged.

10.0 Anti-social behaviour case review (community trigger)

The Anti-Social Behaviour, Crime & Policing Act 2014 introduced a new measure called the community trigger (referred to locally as an Anti-Social Behaviour Case Review) which is a process locally managed by the Councils' Community Safety Partnership (CSP). A CSP is a statutory partnership body with a duty to work with other local agencies and organisations to develop and implement strategies to tackle crime and disorder including ASB and other behaviour adversely affecting the local environment. Community Safety Partnerships will work together to reduce instances of ASB by diversion, early intervention and effective enforcement. The partnership aims to make residents of Suffolk feel that their neighbourhood continues to be a safe and good place to live, work and visit. The minimum standards of response are designed to complement the Policing Pledge and not to replace or dilute part of it.

The process gives victims and communities the right to ask for action to be taken where they believe ongoing and persistent ASB has not been addressed appropriately by all of the relevant agencies, which may include the Council, police, health providers and/or social housing or if the Council has failed to respond to a complaint.

Where the threshold (criteria) is met to qualify for a review, an ASB case review will be carried out. The process is designed to make sure that we all work together to decide whether any further action can be taken to try and resolve the issue and to ensure that all that can be done is being done.

Applications for an ASB review and further details regarding when an ASB case review can be requested can be found online at: (Mid Suffolk) <http://www.midsuffolk.gov.uk/communities/community-safety/anti-social-behaviour/> or (Babergh) <http://www.babergh.gov.uk/communities/community-safety/anti-social-behaviour/>.

11.0 Civil action

As a general rule we as a landlord are not responsible for the actions of our tenants, nor do we owe a duty of care to a person to protect them from criminal acts caused by our tenants. We will always provide clear expectations of what we can and cannot do. For instances of alleged ASB or nuisance, we are free to decide whether or not to take action against a tenant. Any action taken will be unbiased, fair and proportionate.

Anyone affected by nuisance has the right to take private action to resolve the problem independent of the Councils. This may include seeking advice, consulting a solicitor to act on their behalf or, if a person has incurred financial loss as a result of a tenant's actions, the complainant has the option of making a money claim against the perpetrator via the money claim civil process.

12.0 Information sharing and confidentiality

All our tenants have signed a declaration within their Tenancy Agreement which gives us permission to share information about them with others.

Within the Tenancy Agreement it states that under the Data Protection Act 1998 (or any amending or subsequent legislation) we can hold relevant information about a tenant and share it with others such as local and national government bodies, our Contractors, Social Services, the Health Service, Courts, Police and other landlords for the purpose of:

- Managing a tenancy and our housing stock;
- Assisting statutory agencies to do their job;
- Looking after the health and wellbeing of a tenant or another person;
- Preventing or detecting crime, disorder or fraud;
- Apprehension or prosecution of offenders;
- Safeguarding children and adults.

All information we hold about our tenants will be used lawfully, fairly and in accordance with legislation. Information shared will always be for specifically stated purposes, and used in a way that is relevant, adequate and not excessive.

We will not accept anonymous complaints however we will respect the complainant's right to confidentiality if they wish to withhold their identity from the alleged perpetrator(s). If this limits the actions that can be taken to resolve the matter then this will be explained the complainant.

Under the Data Protection (1998) and Freedom of Information Act (2000) individuals have the right to see information held about them. Individuals can request copies of the information held about them but there will be a charge. Further information about individuals' rights to information is set out in the Data Protection Act 1998 and Freedom of Information Act 2000.

A Freedom of Information Request (FOI) can be made on our website <http://www.midsuffolk.gov.uk/the-council/your-right-to-information/freedom-of-information/> or <http://www.babergh.gov.uk/the-council/your-right-to-information/freedom-of-information/> where there is an online request form. This does not cover a request for personal data if an individual wants details of information the council hold about them this can be obtained by requesting a 'subject access request' under the Data Protection Act. Further information can be found at the Information Commissioners website: <https://ico.org.uk>. If a person is currently under investigation for ASB which involves criminal proceedings, some information request as part of an FOI request may be exempt / could not be disclosed.

13.0 Use of technology

We will make use of any available technology in order to help us investigate and manage complaints of ASB or nuisance, and to publicise the work of the team. This could include the use of mobile technology, our website, social media, automated procedures, tenant's magazine, and surveillance equipment such as sound recording devices.

14.0 Policy review

This policy will be reviewed every three years unless amendments are required prompted by change in legislation, guidelines or monitoring reveals that a change in policy is required sooner.

15.0 Making a complaint about the service

Any person who is dissatisfied with the management of their case or if they feel the Councils are not implementing the ASB Policy, are directed to the Corporate Complaints Procedure which is available on our website <http://www.midsuffolk.gov.uk/the-council/compliment-comment-or-complaints/> or <http://www.babergh.gov.uk/the-council/compliment-comment-or-complaints/>.

16.0 Other relevant documents

- Allocations Policy (internal)
- Homelessness Strategy (internal)
- Corporate Enforcement Policy (internal)
- Babergh and Mid Suffolk District Council's Strategic Plan (internal)
- Chartered Institute of Housing – ASB Charter for Housing
- House of Commons Library Briefing Paper Number 0264, 24/02/2017 'Tackling anti-social behaviour in social housing (England)
- House of Commons Library Briefing Paper SN/SP/264, 03/03/2015 'Anti-social behaviour in social housing (England)

17.0 Associated documents, forms, and procedures

- ASB online reporting form
- Initial letter - complainant (logs)
- Initial letter - complainant (basic)
- Initial letter - alleged perpetrator
- Interview - alleged perpetrator
- Interview - complainant
- Close case letter - complainant (including satisfaction survey)
- Close case letter – alleged perpetrator
- Complaint not accepted letter
- Tenancy warning
- Final tenancy warning
- Garden nuisance letter
- Notice of Seeking Possession
- Notice to Quit
- Section 128 Notice of Possession Proceedings
- Certificate of Service
- Perception survey
- Perception survey covering letter

18.0 Contact Us

Community Housing Officers can be contacted by telephoning Customer Services on 0300 123 4000.

19.0 Glossary of terms

ASB – Anti-social behaviour
BMSSDC – Babergh & Mid Suffolk District Councils
CSP – Community Safety Partnership

FOI – Freedom of Information Request
NOSP – Notice of Seeking Possession
NTQ – Notice to Quit
RIPA - The Regulation of Investigatory Powers Act

- ENDS -