



Exeter City Council Housing Services

Anti-Social Behaviour (ASB) Policy 2024 – 2027

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Introduction

- 1.1 This Anti-Social Behaviour Policy tells you what Exeter City Council Housing and Development Services (ECC Housing) defines as 'anti-social behaviour' (ASB) and sets out how ECC Housing responds to a report of anti-social behaviour and details the service quality ECC Housing will provide.
- 1.2 Exeter City Council Housing and Development Services believes that no-one should tolerate anti-social behaviour. ECC Housing works in partnership with other agencies and will use appropriate tools and powers available to local authorities to address anti-social behaviour.
- 1.3 The policy sets out our approach to fulfilling our duties as defined by the Crime and Disorder Act 1998. The Act requires the ECC Housing to work with the police and other agencies to reduce crime and disorder in Exeter. ECC Housing makes a significant contribution to dealing with anti-social behaviour of all kinds and undertakes both investigations and prevention activities.
- 1.4 Because ECC Housing has a duty to respond to ASB affecting the properties we manage, our landlord duties and powers complement the duties and powers we have to deal with anti-social behaviour by non-council tenants.
- 1.5 ECC Housing has a range of legal powers to deal with environmental anti-social behaviour such as noise, graffiti, litter, fly-tipping and abandoned vehicles. These responsibilities come from a number of legal instruments and local byelaws, but in particular from the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Anti-social behaviour, Crime and Policing Act 2014.
- 1.6 ECC Housing will not normally undertake case investigation for ASB cases within other social landlords and private landlord's properties. We may offer support and assistance in exceptional circumstances.
- 1.7 Exeter City Council's Safeguarding Policy sets out how we respond to a report of abuse or neglect to a child, young person, or adult with unmet care and support needs. It is not uncommon for safeguarding concerns to arise at the initial report stage or during an anti-social behaviour investigation. The requirements of the Safeguarding Policy take primacy over this policy.

Policy Statement

- 1.8 Exeter City Council considers anti-social behaviour to be:

- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises
- Any act that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household
- Using or threatening to use Council property for unlawful purposes.

1.9 ECC Housing will not investigate the following behaviours under this policy:

- Children playing in a public place or a garden
- Neighbour complaints regarding boundary disputes and other property matters, for example, location of waste receptacles, cooking smells, smoking and untidy gardens
- Noise from vehicles on the highway carrying out their routine activities,
- Noise from emergency service vehicles, aircraft, helicopters or other motorised airborne vehicles and noise from demonstrations
- Reasonable living noise in domestic settings such as lawn mowing, household DIY, crying, loud talking, toilets flushing, sexualised noises, banging doors and noise from household appliances
- Cycling, skateboarding, or riding e-scooters on the pavement and reports of inconveniently or illegally parked vehicles
- Obstruction of the highway and pavements. These should be reported to the Highways Authority or to the police if there is an obstruction of the highway.
- Alcohol consumption in a public space that is not causing anti-social behaviour
- Sporadic noise from late night revellers moving through public spaces.
- Flying drones should be reported to the Civil Aviation Authority or the police
- People because they are homeless or rough sleeping in the City Centre for example.

This list is not exhaustive

1.10 ECC Housing in relation to ASB 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. ECC Housing work closely with the police and will consider criminal behaviours when investigating an anti-social behaviour case.

1.11 ECC Housing 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. We will not disclose a complainant's personal details to the alleged perpetrator of the behaviour. Where it is necessary to speak to the alleged perpetrator, the complainant will be advised prior to a contact.

1.12 In order to investigate reports of anti-social behaviour we rely on evidence supplied by complainants and witnesses. We will not investigate cases where no evidence or details of the case is provided.

1.13 Many incidents of anti-social behaviour can be resolved by the parties involved with no involvement by ECC Housing or other agency. ECC Housing will encourage this course of action, whenever appropriate. In some circumstances mediation between both parties will be suggested.

1.14 Anti-social behaviour cases are categorised to determine ECC Housing's response time as described below.

Category 1 ASB:

The target time for first contact with victim or referrer is within three working days

The definition of Category 1 ASB is:

- Behaviour that presents a risk of serious harm to individuals or the peace of the neighbourhood and which may include violence, serious threats of violence or other criminal activity
- Any complaint where there have been previous incidents, and it appears to the case officer that a greater risk has developed or may be developing

Category 1 includes the following types of anti-social behaviour:

- Hate related incidents (hostility towards a person's race, sex or ethnicity, sexual orientation, disability, religion or belief, or transgender identity) Note: we will respond to hate related incidences within 24 hours
- Physical violence and threats of harm
- Child or adult safeguarding including cuckooing
- Domestic abuse
- Kerb crawling and aggressive, predatory and intrusive sexual behaviour
- Serious harassment, intimidation and threatening behaviour
- Racist or offensive graffiti following a report
- Threats to Exeter City Council staff or people representing the Council
- The use of aggressive animals as weapons
- Other forms of serious anti-social behaviour, which in ECC Housing's opinion, need priority.

Note: All ASB that is deemed to be criminal activity will be reported to the police

Category 2 ASB

The target time for first contact with victim or referrer is within five working days

The definition of Category 2 ASB is:

- Behaviour that presents a risk to public health or nuisance.

Category 2 ASB includes:

- Noise disturbances due to unreasonable behaviour not excluded in section 5.
- Verbal abuse, written intimidation and harassment
- Allegations of sex working and sexual acts
- Other forms of serious anti-social behaviour, which in ECC Housing's opinion, need priority but do not warrant an urgent or immediate response
- Minor noise nuisance
- 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
- Damage to the natural environment such as trees and planted areas.

1.15 Reports of ASB will be treated seriously and dealt with professionally. We will:

- Assess the ASB reported to us and take action in accordance with our service standards
- Ensure that criminal activities reported to ECC Housing are referred on to the police
- Treat 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
- Share information with other organisations for the prevention or detection of crime or disorder, in accordance with data protection laws and information sharing agreements
- Register each case, give it a unique reference number and named case officer
- Fully investigate the complaint, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses
- Refer cases between the different departments of ECC Housing and to other agencies, as necessary
- Ensure cases are not open longer than is deemed necessary and inform the complainant, using their preferred method of correspondence
- Respond promptly to complaints about the service
- Explain our reasons should we choose to take no action, and suggest self-help or other alternative courses of action, including private legal proceedings.
- Maintain regular contact and updates to the reporting person and where appropriate provide an action plan

1.16 ASB will be addressed firmly, fairly, proportionately and holistically. We will:

- Prioritise responses to the most serious cases, based on the details of the case, taking any necessary early action to protect people and property

- Investigate the circumstances and seek to understand all the facts of any matter reported to us
 - Seek always to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health
 - Use the legal tools and powers available to us according to our professional judgment
 - Consider and adjust our approach as necessary when a victim or a perpetrator is a vulnerable person, providing support where necessary
 - With the consent of the people involved, refer suitable cases to mediation.
- 1.17 We will work with our partners in order to deliver an effective ASB service for our communities. This will include participation in multi-agency partnerships with organisations such as registered providers, private landlords, letting agents, the police and other council services. We will provide support and advice to these organisations to enable them to confidently prevent and tackle ASB.
- 1.18 We will deliver a high-quality service by ensuring that our staff dealing with ASB are trained in all relevant legislation (including equality, diversity and inclusion, mental health and safeguarding). We will also ensure that our staff comply with agreed policies and procedures and take feedback from service users on their satisfaction with the ASB service.
- 1.19 We will always look to resolve the ASB using legal and other remedies and that eviction would always be a last resort after all other actions have been exhausted.

Relevant legislation

Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities, social housing providers and partners with a new range of powers to tackle anti-social behaviour. The Act introduced the Anti-Social Behaviour Case Review, commonly referred to as the Community Trigger, a mechanism for victims of anti-social behaviour to request a review of their case where there has been no effective action.

This document fulfils the requirements of section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) with regard to the publication of the ASB procedures of a local authority landlord. This policy underpins Exeter City Council's statutory duty under the Crime and Disorder Act 1998, which places a legal duty to work in partnership to tackle the city's crime and disorder priorities. Section 17 of that Act states: "each authority needs to do all it reasonably can to prevent crime and disorder and to ensure services give due regard to crime and disorder."

False, malicious or unreasonable complaints

Where ECC Housing has reason to believe that a complaint is false, malicious or unreasonable, we will consider taking appropriate action against the complainant. Vexatious complaints cause distress to the alleged party and places unnecessary burdens on Council and partner resources. Where we believe a complaint, or series of complaints, constitutes a criminal offence, we will report the matter to the police.

Comments, compliments and complaints

Exeter City Council Housing Services welcomes feedback where our staff, services, policies and procedures have exceeded expectations. We recognise that things sometimes can go wrong, and when they do, we want to put them right as soon as possible and learn from what happened to develop and improve services and procedures. To ensure we receive your feedback, either positive or negative, please use our online form that can be found [here](#) or call us on: **01392 265759** or email Housing.complaints@exeter.gov.uk