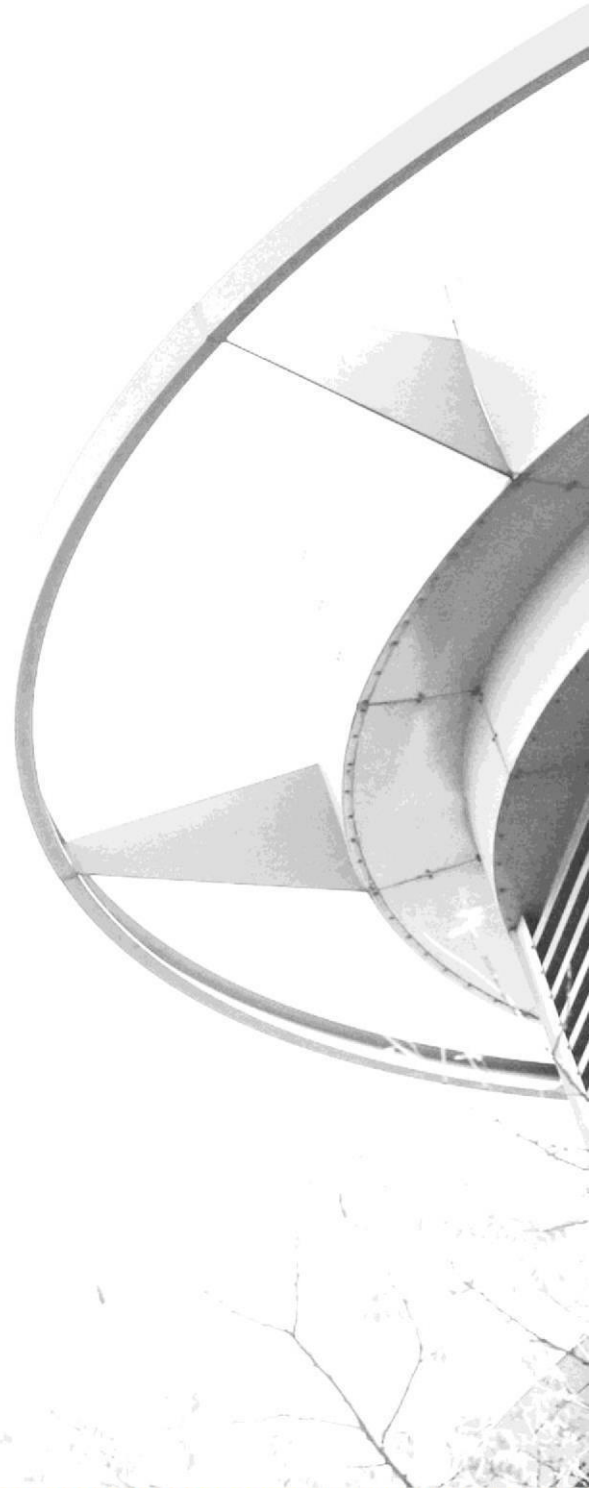
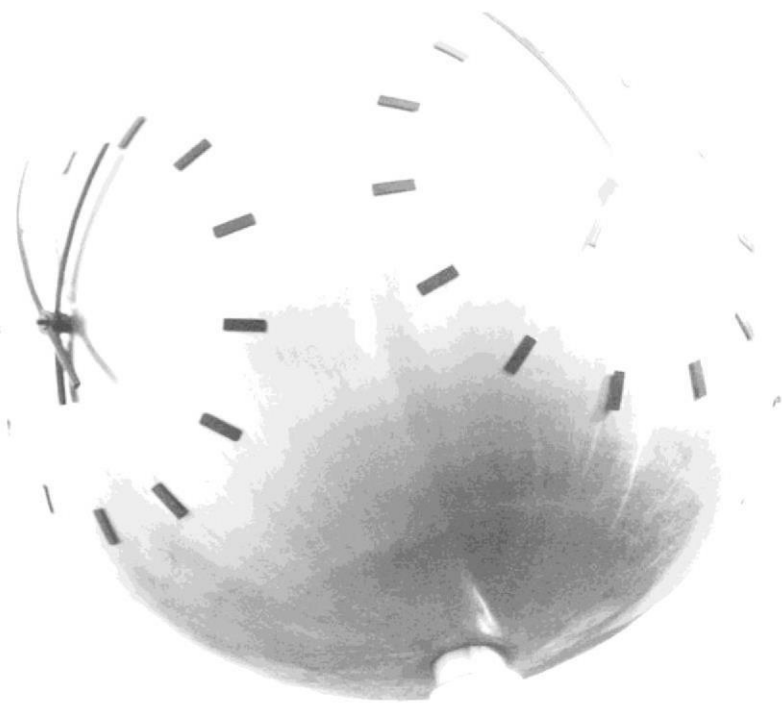


Anti-Social Behaviour Policy 2021-2026

Basildon Borough Council

February 2021



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Section/Directorate:	Housing and Property
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1. INTRODUCTION

Anti-social behaviour (ASB) can have a serious impact on the quality of life of residents and communities. This policy sets out the Council's commitment to effectively deal with anti-social behaviour in the Basildon Borough including hate crime.

The Council has a wide range of responsibilities to tackle anti-social behaviour. These arise from three distinct roles which are:

- A Responsible Authority as defined by the Crime and Disorder Act 1998 and the Anti-Social Behaviour, Crime & Policing Act 2014 - the Council must work with the police and other agencies to reduce crime and disorder.
- A social landlord, under the Housing Act 1996 - the Council has a statutory duty to deal with anti-social behaviour affecting the properties it owns and manages.
- A duty to deal with 'Environmental' anti-social behaviour such as noise, litter, bonfires and dumped rubbish. These responsibilities arise from a number of Acts, but in particular the Environmental Protection Act 1990.

ASB is a significant concern for many local residents and the Council will investigate allegations of ASB to ensure our communities are places where people want to live. In 2019/20 the ASB team received 482 new ASB. 98% of customers were satisfied with the way their case had been handled and 95% were satisfied with the outcome of their case. 1234 early interventions were undertaken along with 49 enforcement actions.

The Council works effectively, in partnership, with other key agencies to prevent the occurrence of ASB wherever possible but where ASB does occur, we are committed to taking positive action to deal with it using the full range of powers available to us.

2. EXECUTIVE SUMMARY

The Council has a statutory duty under section 218A of the Housing Act 1996 as inserted by the ASB Act 2003 to publish their Anti-social Behaviour Policy. The Policy is in place to ensure residents of the Basildon Borough can clearly see the commitment that is made by the Council to tackling anti-social behaviour within the Borough and what happens when anti-social behaviour is reported. It explains the resources available to tackle anti-social behaviour and what action Basildon Council may take. The Council consider all forms of ASB to be unacceptable and will consistently apply the principles contained in this policy to ensure that our residents' lives are not negatively impacted by ASB. The Safer Basildon Partnership is integral to this policy. This policy should be read in conjunction with the Council's Safeguarding policy.

3. POLICY STATEMENT

The Council is committed to ensuring all residents of the borough enjoy their right to peace, quiet and security in and around their homes and will not tolerate anti-social behaviour in any form.

We adopt a victim centred approach and take all complaints of anti-social behaviour seriously, carrying out investigations as appropriate. We will also consider any vulnerabilities for perpetrators prior to commencing any action and offer any appropriate support and guidance. We will work in partnership with other agencies and local communities to reduce anti-social behaviour in the borough.

We will seek to achieve this by:

- Sending out a clear message that we will not tolerate anti-social behaviour
- Promoting good standards of behaviour through education and awareness.
- Encourage all victims/witnesses to promptly report incidents of anti-social behaviour.

- Encourage all victims or witnesses of Hate Crime to report such incidents via the Hate Crime Reporting Centre's (HIRCS) which are available throughout the borough.
- Seeking to intervene at an early stage to prevent problems escalating.
- Ensuring support is offered to victims and/or witnesses throughout the investigation and any subsequent legal proceedings.
- Tackling anti-social behaviour using the full range of tools and powers available to us, from early intervention and support to enforcement.
- Addressing the anti-social behaviour whilst supporting victims and witnesses in their homes where possible rather than move those involved in ongoing investigations (unless exceptional circumstances apply). This applies to Basildon Council tenants only.
- Where appropriate, support vulnerable people who are being exploited and signpost them to relevant services.

4. DEFINITIONS

Anti-social Behaviour is defined 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 any person in relation to that person's occupation or residential premises, or;
- conduct capable of causing housing-related nuisance or annoyance to any person.

Anti-social Behaviour covers the range of behaviour from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home or community.

Hate Crime is defined as:

"Any criminal offence committed against a person or property that is motivated by hostility or prejudice towards someone based on their age, race, religion or belief, gender identity, disability, sexual orientation or subculture."¹

Hate Incident is defined as:

Any incident, which may or may not be a crime, which the victim or any other person perceives to be motivated by hostility or prejudice towards any aspect of a person's identity.

Domestic Abuse is defined as:

Any incident or pattern of incidents of controlling, coercive or 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. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim."

5. CONTEXT

National

Covid-19

The impact of Covid-19 has presented a unique challenge for social landlords when dealing with incidents of ASB. People have been required to remain at home for long periods of time which can lead to tensions in and outside the home. The Council have worked pro-actively to support tenants where possible but the rules surrounding Covid-19 have made it more difficult to assess the level of ASB.

In March 2020, central government announced a suspension on all evictions for renters across the United Kingdom due to the ongoing Coronavirus pandemic. However, action continued to proceed against tenants or their visitors exhibiting anti-social behaviour. These cases place untenable strain on other tenants, local communities and landlords, and they cannot continue without resolution.

The Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 states the tools and powers available for dealing with ASB with the aim of achieving better outcomes for victims.

The key provisions to tackle anti-social behaviour include:

- 6 broad powers that streamline procedures to allow for a quicker response.
- The Community Trigger known as the “ASB Case Review”, to give victims and communities an opportunity to raise their issues formally when they believe their ASB case has not been dealt with effectively.
- A mandatory grounds for possession for Council tenants if the tenant or a member of their household or visitor has committed a serious criminal offence or breached a civil injunction, Criminal Behaviour Order or Noise Abatement Order. This means the judge must grant the Council an Absolute Possession Order and has no discretion.
- Community Protection Notices (CPN) deal with particular, ongoing problems or nuisances which negatively affect the community’s quality of life targeting those responsible.
- Failure to comply with a CPN is an offence, where an individual or organisation fails to comply with the terms of a CPN, a number of options are available for the issuing authority.
- A Fixed Penalty Notice (FPN) can be issued by a Council Officer, Police Officer, PCSO or, if designated, a Social Landlord.
- The FPN should be no more than £100.00 and the amount will be reduced if the fine is made within 14 days
- The Local Authority can designate this power to Social Landlords
- Injunctions
- Public Spaces Protection Orders
- Closure of Premises associated with nuisance or disorder

Local Context

Essex Police assess every incident of anti-social behaviour when it is first reported using the THRIVE model. This model assesses the Threat, Harm, Risk, Intervention, Vulnerability and Engagement is used to determine the appropriate response including whether the Council or Essex Police is best placed to respond or if the matter should be referred to another agency. This ensures that resources are directed to higher risk cases. The Safer Basildon Partnership hub was set up to bring a number of partners such as Essex Police, Probation Service, ASB and Community Safety teams and South Essex Domestic Abuse Hub (SEDAH) to work together to improve community safety by making the borough a safer place for everyone to live, work and visit. These agencies are co-located within the Safer Basildon Community Hub.

The Council has a dedicated ASB Team which investigates incidents of anti-social behaviour and works with other internal departments such as environmental health and external partners to deal with reported incidents. The ASB team categorise all incidents of ASB. The most frequently investigated categories over the last 3 years were:

- Noise
- Verbal abuse/threatening behaviour/harassment/intimidation
- Drugs/substance misuse/drug dealing

Other categories of anti-social behaviour include:

- Hate related incidents (based on race, sexual orientation, gender, identity, disability, religion, age,)
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Alcohol related
- Physical violence (other than domestic)
- Litter/rubbish/fly-tipping
- Garden nuisance
- Misuse of communal areas/public space or loitering
- Prostitution/sexual acts/kerb crawling
- Criminal behaviour/crime

The Council receives many complaints of minor disputes or disturbances that are uncorroborated and not every allegation reported to us will be accepted as an anti-social behaviour case. Some of these disturbances are considered to be everyday living noises or minor lifestyle differences rather than anti-social behaviour and therefore they may not be investigated as such under the terms of this policy. The Council's action in these cases will be limited to encouraging neighbours to resolve minor disputes among themselves and/or referring them to other agencies if appropriate.

Examples of such behaviour include:

- People mowing their lawns or carrying out other garden maintenance at reasonable times and frequency
- People vacuuming or using other domestic appliances reasonable times and frequency
- People carrying out DIY repairs at reasonable times
- Noise generated by everyday living, i.e. walking across laminate flooring wearing shoes
- Cooking smells
- Children playing in their homes or in the locality of their home or a designated playing area. Children playing ball games is normally not considered to be anti-social behaviour
- Some parking issues

The Council also receives complaints of anti-social behaviour from all tenures, such as, home owners or Registered Providers. Basildon Council will provide advice and guidance to those residents whose properties that are not owned by the Council, as the Council's action in these cases

will be limited. The Council will continue to work in partnership with all agencies and organisations to ensure that the necessary referrals can be made.

6. SERVICE STANDARDS

When a complaint of ASB is made, the ASB Team will record the complaint, assess the type of ASB being complained of and apply one of the following categories:

Level 1 Evidence of danger to the household, at risk of serious assault and/or the household has been subjected to substantial and/or persistent harassment and is at risk of serious mental or physical harm on the grounds of vulnerability. Victims will be offered an interview/visit within 24 hours where an ASB officer will discuss the incident and agree an action plan with the victim. This action plan will explore the options available and will also consider the support requirements for the victim.

Level 2 In all other cases, the victim of anti-social behaviour will be offered an interview/visit within 4 working days. The Neighbourhood Nuisance Officer will discuss the incident and agree an action plan with the victim. This action plan will explore the options available and will consider the support requirements for the victim.

The ASB Team will complete a harm based risk assessment to establish and identify vulnerable complainants. This allows the necessary support measures to be put in place at an early stage.

An ASB case will be closed using one or more of the following measures;

- Case has been successfully resolved,
- Mediation considered appropriate and not taken up,
- There have been no incidents for three months (there may be exceptions),
- All options have been considered and tried and the Principal ASB Officer agrees there is no likelihood of resolving the matter,
- The complaint is unfounded,
- Contact with the case officer has not been maintained by the complainant,
- Complaint cannot be substantiated,
- Complainants own behaviour has contributed to the problem to the extent that enforcement action against the perpetrator is not tenable.

7. COMMUNICATIONS

Basildon Council will publicise any positive action taken to resolve ASB wherever possible. Working with partners, this may include press releases to local newspapers, radio or television or other publicity materials such as leaflets and posters in the locality of where legal action has been successful.

Where appropriate we will undertake campaigns to raise public awareness of their responsibilities and actions around ASB and the sanctions the Council and its partners can impose to prevent or stop ASB in our communities.

Performance information relating to the use of legal actions and satisfaction levels will be publicised on the Council's website and other mediums.

Advice on what is ASB and how to report it is on the Council's website along with the ASB policy and relevant contact details.

8. POLICY SUMMARY

Basildon Council seek to create sustainable neighbourhoods whereby people from different backgrounds and groups can live side by side within a culture of co-operation and respect. We will seek to prevent ASB but where it does occur we will pursue early intervention to prevent the problem escalating.

Basildon Council will issue a tenancy agreement to every new tenant and will impress upon new tenants at sign up their rights and responsibilities and what the implications of causing ASB may be

An action plan will be developed in agreement with the complainant to investigate the problem and agree a level of support and contact. The Council will use all the tools considered appropriate to ensure that victims and witnesses feel safe and secure throughout the case. This may include:

- Carrying out security improvements to their home
- Carrying out a Harm Based Risk Assessment for ASB
- Pre-court visits.
- Considering alternative accommodation
- Referrals to other support agencies
- Work to prevent homelessness and help residents to remain in their home wherever possible.
- Thoroughly investigate all complaints and gather/obtain evidence from complainants, other residents and partner agencies including the Police and also through the use of Noise Monitoring Equipment, Deployment of CCTV and Professional Witnesses as appropriate.

Basildon Council will consider all the options available when investigating and taking action in a case of ASB and will use the legislative framework to ensure the protection of victims and to stop the incidents repeating. The tools available, some of which are delivered in partnership with other agencies, include:

- Warnings
- Mediation
- Acceptable Behaviour Contracts
- Noise Abatement Notices
- Injunctions
- Criminal Behaviour Orders
- Suspension of Right to Buy Orders (for Basildon Council tenants only)
- Possession Proceedings (for Basildon Council tenants only)
- Closure Orders

The ASB Team will ensure that consideration is given to the Equalities Act 2010, by undertaking individual Equality Impact assessments, in the event that enforcement action is to be instigated. Undertaking this assessment will make certain that the any vulnerabilities are identified in order to ensure effective support mechanisms can be put in place as appropriate.

Basildon Council recognises that eviction is a useful tool to tackle ASB and will use the new discretionary and absolute grounds for possession when appropriate. However in order to promote social inclusion, prevent homelessness and break the cycle of moving the behaviour elsewhere, eviction to resolve ASB will only be used as a last resort.

The Council will work with other agencies and specialist organisations to ensure that appropriate best practice is employed in the prevention of ASB. Where perpetrators of ASB show a willingness

to address any underlying issues which cause their behaviour, then the Council will offer assistance and support in this. The Council will also offer support to vulnerable people who are being exploited and help them to access services that can assist them with addressing their behaviour.

Council employees will be given appropriate training that covers the impact of, and Basildon Council's response to, ASB. Staff will be trained to recognise ASB and how to challenge and respond to it.

Basildon Council will not tolerate ASB perpetrated towards its employees in any circumstances. Appropriate action will be taken against perpetrators where incidents occur.

The Council will meet any access or cultural needs of any customer accessing the service, for example providing an interpreter or assisting those with literacy difficulties or disabilities.

Basildon Council will map and monitor ASB incidents to identify any trends. Using this information the ASB Team will undertake targeted work to prevent incidents occurring.

Basildon Council and its partners will communicate publicise any positive action taken to resolve ASB wherever possible.

9. PARTNERSHIPS

The Council recognises the importance of partnerships in tackling anti-social behaviour in partnership and will play a full part when working with other agencies. We will:

- Participate in relevant strategic or preventative initiatives as identified through the Safer Basildon Partnership.
- Participate in multi-agency working groups dealing with specific anti-social behaviour, and hate crime.
- Work with Registered Providers, schools and colleges, and local businesses, providing professional advice and support as required so that organisations can act confidently to prevent or tackle ASB or Hate Crime making use of their own resources.

10. SAFEGUARDING

Where it is believed that any child or vulnerable adult, with care and support needs, is at risk due to incidents of ASB, the ASB Team will make a referral to the appropriate service and will follow the Council's Safeguarding procedures. (Safeguarding Policy 2019)

11. INFORMATION SHARING AND CONFIDENTIALITY

Under the Crime and Disorder Act 1998 information can be shared between agencies to prevent and detect crime and disorder, including ASB and other behaviour affecting the local environment. The Council will share information with partners in line with the Safer Basildon Partnership Information Sharing Protocol.

The Council will provide a confidential service and only involve other agencies and share information with the consent of the resident concerned unless child protection issues are suspected or disclosed. We will comply with the principles of the Data Protection Act 2018. The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR) and controls how personal data is used. We also comply with the Human Rights Act 1998.

12. GENERAL INFORMATION

Corporate Plan Promises

Corporate Promises	Levels of impact			
	High	Medium	Low	None
A place for everyone to call home			X	
A place where everyone proposers		X		
A place to be proud of	X			

13. LINKS TO OTHER CORPORATE POLICIES OR PARTNER DOCUMENTS

The Council does not work in isolation and this policy has been written to take account of obligations imposed by legislation, in particular:

- Housing Acts 1985 and 1996
- Crime and Disorder Act 1998
- Housing Act 2004
- Equality Act 2010
- Environmental Protection Act 1990
- ASB, Crime and Policing Act 2014

And other Council policies and strategies

- Safer Basildon Partnership Strategy 2018 to 2022
- Tenancy Strategy
- Tenancy Policy
- Housing and Regeneration Strategy 2018 to 2023
- Strengthening Communities Policy 2015
- Homelessness and Rough Sleeping Prevention Strategy 2019 to 2024
- Allocations Policy 2018
- Safeguarding Policy 2019
- Regulatory Services Enforcement Policy 2015
- Local Plan and emerging Local Plan
- ASB crime and Policing Act 2014, Anti Social Behaviour Powers; Statutory guidance for frontline professionals

14. MONITORING AND REVIEW

This policy will be reviewed annually and any enquiries relating to the policy should be directed to the Tenancy Services Manager. Delivery of the policy will be made via the ASB delivery plan.

Basildon Council will set annual targets for key ASB performance indicators which are challenging and these will be monitored via the Housing and Community Management Team, Tenant and Leaseholder Panel, Tenants Scrutiny Panel and other committees as appropriate.

Performance information relating to the use of legal actions and satisfaction levels will be publicised on the Council's website and other mediums. Indicators that will be monitored include but are not limited to:

- Number of new cases

- Percentage of cases successfully resolved.
- Satisfaction with the way the case was handled
- Satisfaction with the outcome of the case
- The use of legal action to resolve ASB cases.

Monday to Friday
10am to 5pm



Basildon Council
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Aby uzyskać pisemne tłumaczenie proszę dzwonić pod numer (Polish)

如需翻译，请拨打 (Mandarin)

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بۆ تەرجومە تەلەفون بکە بۆ ژمارەى (Kurdish)

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Per perkthim me shkrim ju lutem merrni ne telefon (Albanian)

આપાંતર માટે કૃપા કરીને ફોન કરો (Gujarati)

ट्रांस्लेशन के लिये कृपया कॉल करें: (Hindi)

Pentru traducere va rugam sunati (Romanian)

Untuk terjemahan harap hubungi (Indonesian)

Kwa tafsiri, tafadhali piga simu (Kiswahili)

ਅਨੁਵਾਦ ਵਾਸਤੇ ਕਿਰਪਾ ਕਰਕੇ ਕਾਲ ਕਰੋ (Punjabi)

Kana muchida kuturikirwa, tapota ridzai runhare kuna (Shona)

Pre preklad prosim volajte (Slovak)

Nếu quý vị cần dịch tài liệu, xin vui lòng gọi theo số (Vietnamese)

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