



Mansfield
District Council

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MDC Housing Department

ANTI-SOCIAL BEHAVIOUR/HATE CRIME POLICY 2023

MDC HOUSING DEPARTMENT
ANTI-SOCIAL BEHAVIOUR/HATE CRIME POLICY 2023

<u>Contents Page</u>	<u>Page</u>
1. Purpose	2
2. Introduction	2
3. Safeguarding Vulnerable People	3
4. Policy Objectives	3
5. Roles and Responsibilities	4
6. Working in Partnership	5
7. Reporting ASB	5
8. Legal Definitions of ASB	6
9. What Types of Behaviour are Anti-Social?	6
10. What is Not Anti-Social Behaviour?	8
11. What is Hate Crime?	8
12. Working with Perpetrators	8
13. MDC Tenant Responsibilities	9
14. How Does the Council Respond to Reports of ASB	9
15. Case Closure	10
16. Information Sharing	10
17. Complaints and Community Triggers	10
18. Equality Impact Assessment	10
19. Policy Review	10

1. PURPOSE

All social landlords are required to prepare and publish policies in relation to anti-social behaviour (hereafter ASB) and Hate Crime.

This document fulfils the legal requirements and is designed to give a clear statement of our approach to anti-social behaviour. The policy is intended to provide clarity of the council's approach in addressing ASB/Hate Crime and helping to ensure that our neighbourhoods are safe and welcoming places to live.

Our aim is to resolve incidents of ASB/Hate Crime before they escalate, intervene appropriately where we can, and enforce the tenancy conditions relating to ASB/Hate Crime when required. We will put into in place, where possible, appropriate support mechanisms for both victims of ASB/Hate Crime and the perpetrators of ASB/Hate Crime where they are deemed to be vulnerable.

2. INTRODUCTION

The Housing Department has the responsibility for dealing with incidents of ASB/Hate Crime in all Mansfield District Council (MDC) properties as part of its Housing Management function. This Policy has been developed to give due regard to relevant legislation including but not limited to:

- Environmental Act 1995 & Environmental Protection Act 1990
- Noise Act 1996
- Data Protection Act 2018
- The Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000
- Criminal Justice and Police Act 2001
- Police Reform Act 2002
- Anti-Social Behaviour Act 2003
- Children's Act 2004
- Housing Act 1985, 1996 & 2004
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Anti-Social Behaviour Act 2003 and Police Reform and Social Responsibility Act 2011
- ASB, Crime and Policing Act 2014.
- Sentencing Act 2020
- Public Order Act 1986
- Police and Criminal Evidence Act 1986
- Criminal Damage Act 1971
- Offences against the Persons Act 1961
- Misuse of Drugs Act 1971
- Domestic Abuse Act 2021

3. SAFEGUARDING VULNERABLE PEOPLE

Our Policy recognises MDC's existing policies on Safeguarding both Children and Adults. Mansfield District Council responsibilities are to ensure Safeguarding Policies, procedures and guidance are in place and appropriate training for staff has been given.

4. POLICY OBJECTIVES

Our approach to ASB/Hate Crime:

As a landlord we will take a balanced approach to tackling ASB/Hate Crime focusing on:

- Prevention
- Intervention
- Enforcement
- Support for the vulnerable (both victims and perpetrators)

Prevention

As a landlord we understand the importance of resolving issues of ASB/Hate Crime before it escalates. Not only in terms of making our neighbourhoods safer places, but the added value and cost effectiveness of early intervention.

Intervention

Where appropriate we will intervene to address issues of ASB/Hate Crime and we will work with our partners to deliver a range of interventions including:

- Offering a variety of methods for reporting ASB/Hate Crime
- Early response to an initial report of ASB/Hate Crime
- Support via Specialist Housing Management Officers
- Taking a multi-agency approach to tackling ASB/Hate Crime
- Recognising vulnerabilities of both complainants and perpetrators
- Offering mediation where appropriate
- Undertaking, where appropriate, safety and security measures on our estates and individual homes, e.g., the sanctuary scheme for cases of Domestic Abuse
- Considering prevention methods on new developments.

As a landlord we will seek to ensure that our staff are adequately trained to deal with anti-social behaviour and are kept up to date with any changes in the law and there implications on working practices.

Enforcement

Where all reasonable steps have been taken to change or prevent ASB/Hate Crime, or in serious cases of ASB/Hate Crime, careful consideration will be given to the use of

enforcement powers to deal with the problem. There are a range of enforcement measures available which include, but not in all cases:

- Warning Letters
- Verbal Warnings
- Injunctions
- Notice Seeking Possession/Notice of Possession Proceedings
- Community Protection Warnings
- Community Protection Notices
- Fixed Penalty Notices
- Criminal Behaviour Orders
- Community Resolution (this would be a Police action)
- Mandatory Grounds for Possession

This is not an exhaustive list, and we will consider all available tools at our disposal. Eviction however will always be a last resort.

Support for the Vulnerable (both victim and perpetrator)

Where safeguarding issues arise, the Council will support and make referrals to our partner agencies for support and to protect vulnerable adults and children.

Where appropriate, support can be given through the Council's Housing Management Officers (Specialist Support).

5. ROLES AND RESPONSIBILITIES

We will ensure that tenants are made aware of their responsibilities regarding ASB/Hate Crime at tenancy sign up, this will be ongoing during any investigations made.

Our tenancy conditions will clearly state tenant responsibilities regarding nuisance and harassment, ASB and Hate Crime.

We will make available to all tenant's information on how to report incidents of ASB/Hate Crime and how we will deal with them. As a landlord we will adopt a range of preventative measures including:

- Designing out ASB in our existing estates and new developments
- Using sensitive lettings where appropriate
- Undertaking safety and security measures on our estates and individual homes, e.g., the sanctuary scheme for cases of Domestic Abuse
- Continually reviewing our Action Plans dealing with specific reports of ASB

6. WORKING IN PARTNERSHIP

Partnership working is crucial if we are to prevent ASB/Hate Crime and tackle it quickly and effectively. Examples of our partner agencies include:

- Nottinghamshire Police
- Safer Mansfield Partnership
- NHS & Health Providers
- Nottinghamshire County Council
- Change, Grow, Live (Drug & Alcohol Services)
- Domestic Abuse Agencies
- Nottinghamshire Probation Services
- Nottinghamshire Fire and Rescue Service
- Nottingham Victim Care
- Other registered social housing providers
- School and Education
- Tenant representatives

We also attend several multi-agency forums aimed at strategically planning and targeting resources to prevent and reduce anti-social behaviour across the district.

We have a signed information sharing agreement with the police which enables us to share relevant information when dealing with cases of ASB and ensures joint working is made easier. All information is shared within the terms of data protection legislation.

7. REPORTING OF ASB

We will accept reports of ASB from our tenants, members of the community, our partners, and other agencies. (Where the perpetrator is not a council tenant, a referral will be made to the appropriate department / agency)

We offer a range of methods for reporting incidents of ASB including:

- By telephone on 01623 463463
- By email to Mansfield.gov.uk
- In person at Civic Centre, Chesterfield Road South, Mansfield, Notts, NG19 7BH
- Online via the council's web page www.mansfield.gov.uk/
- In writing to The Housing Department. Civic Centre, Chesterfield Road South, Mansfield, Notts, NG19 7BH

We will deal sensitively with all reports of ASB/Hate Crime and promote a culture that encourages victims to report any incidents that affect them. We will remain professional and non-judgemental when we are working with both victims and alleged perpetrators of ASB.

We will assess and evaluate all reported incidents of ASB/Hate Crime including anonymous reports, where there is enough information available making it possible to do so and then action as required.

In an emergency, where there is an immediate risk to life or property, complainants and witnesses should always ring 999 and ask for the appropriate emergency service. In such circumstances and where there is belief a crime is committed; we will also ask you to report incidents to the Police or other services (and do this on your behalf if appropriate to do so) as they may be the most appropriate agency to investigate the incident.

The Council will only be expected to respond to your complaints during working hours.

The Council will not be expected to respond at weekends, bank holidays or periods when the Council is closed such as the Christmas/New Year period. You are advised to report any incidents of ASB during this period to the Police by contacting them on 101 (non-emergency) or 999 in an emergency or where a crime is in progress.

8. LEGAL DEFINITIONS OF ASB

Over the last 15-20 years several definitions have been cited and refined in legislation. The key pieces of legislation of relevance today are:

- The Anti-social Behaviour Act 2003 and Police Reform and Social Responsibility Act 2011 defines Anti-social Behaviour as “Behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the person”.
- Most recently the Anti-social Behaviour, Crime and Policing Act 2014 described ASB as: - Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person; - Conduct capable of causing nuisance or annoyance to a person in relation to that persons occupation of residential premises, or - Conduct capable of causing housing-related nuisance or annoyance to any person (referring to directly or indirectly housing management functions of a housing provider or local authority).

This latest definition now enables responsible authorities’ greater opportunity for applying appropriate ASB tools and powers to address certain behaviours, issues, or occurrences of ASB and is the definition adopted by the Housing Department.

9. WHAT TYPES OF BEHAVIOURS ARE ANTI-SOCIAL?

The term ‘Anti-social Behaviour’ covers a wide range of unacceptable activity that blights the lives of many people daily. There are three main categories for ASB, depending on how many people are affected. The types of behaviours can include:

Personal ASB that targets a particular individual or specific group, or is aimed at having an impact on a particular individual or incident rather than a community at large including:

- Verbal or written abuse
- Threats of violence
- Assault
- Damage to property
- Keeping and failing to control an aggressive dog(s)
- Using or allowing premises to be used for illegal or immoral activity such as prostitution, handling/storing of stolen goods, handling/storing of drugs.
- Harassment – including hate related incidents
- Loud televisions and music
- Rowdy, inconsiderate, or threatening behaviour
- Using loud, foul language

Nuisance ASB that cause trouble, annoyance, inconvenience, offence or suffering to people in the local community in general rather than targeted at an individual including:

- Loud televisions and music
- Persistent, unnecessary, or excessive noise
- Shouting or yelling
- Excessively loud and frequent parties
- Persistent alarms
- Dogs barking persistently
- Individuals or incidents that cause trouble, annoyance, inconvenience, offence or suffering to people in the local community in general rather than targeted at an individual.
- Drug dealing, drug production, drug misuse, offensive smells from the smoking of cannabis
- Failure by tenants to prevent children or visitors from behaving anti-socially
- Misuse of communal area (including parking issues)

Environmental ASB that are inconsiderate actions which impact upon the natural, built and social environment including:

- Littering
- Fly-tipping
- Graffiti
- Vehicles burnt out/abandoned
- Dog fouling
- Flyposting
- Types of bonfires
- Waste in gardens
- Condition of gardens/properties

Other things that may affect people's quality of life:

- Vehicles – parking obstructions/noisy vehicles
- Invasion of privacy
- Property damage
- Youth related problems
- Problems surrounding alcohol and substance abuse/misuse
- Begging
- Street drinking public drunkenness

10. WHAT IS NOT ANTI SOCIAL BEHAVIOUR?

There are some types of issues that would not normally constitute ASB. For instance, some behaviour that individuals perceive as being 'anti-social' are unavoidable and consideration must be given to how to effectively deal with these types of issues to try to secure a positive outcome. The type of issues that may not constitute ASB includes:

Living or domestic noises:

- a baby crying.
- ordinary conversation levels through walls.
- noise from children playing in a garden.
- everyday domestic activity such as vacuuming, toilet flushing or using a washing machine.
- children playing in the street.
- young people gathering socially unless they are being intimidating or causing a nuisance.
- being unable to park your car outside the owners/tenant's house unless it is a designated space.

11. WHAT IS HATE CRIME?

Hate Crime or hate incidents may also be a form of ASB. They occur when a perpetrator targets a victim because of their perceived membership in a certain social group, usually defined by racial group, religion, sexual orientation, disability, class, ethnicity, nationality, age, gender, gender reassignment, marital status, or political affiliation. Hate Crime generally refers to criminal acts which are seen to have been motivated by hatred of one or more of the listed groups. Incidents may involve physical assault, damage to property, bullying, harassment, verbal abuse, or insults, or offensive graffiti or letters i.e., hate mail.

12. WORKING WITH PERPETRATORS

We acknowledge that some perpetrators of ASB/Hate Crime may themselves be vulnerable or have been victims of ASB/Hate Crime in the past. We will try to work with vulnerable tenants to ensure that they have access to appropriate support, whether this is through our own services or through our partners. Where appropriate we will work with

perpetrators to understand the reasons behind their behaviour and give them an opportunity to engage with services to help modify their behaviours and recognise the effect their behaviour is having on others.

13. MDC TENANTS RESPONSIBILITIES

MDC's Tenancy Agreement is a legally binding contract between MDC and its tenants. Specifically sets out tenant's responsibilities in relation to ASB.

14. HOW DOES THE COUNCIL RESPOND TO REPORTS OF ASB

- We will establish at the earliest stage possible, what the complainant wants from the council and what outcome they would ideally like to receive. This will help the council manage expectations before any problem solving takes place.
- We will assign a lead officer to the case; this will be either the Housing Management Officer for that area or the Anti-Social Behaviour & Tenancy Enforcement Officer. Whilst additional help may be required both internally and from external partners this lead officer will manage the case throughout so that the victim is not confused about who is dealing with their issue.
- If appropriate, the lead officer will complete both Action Plans and Risk Assessments.
- Action plans will agree the timescales of when updates should be given.
- The lead officer will draw upon key stakeholders and partners to ensure specialist support referrals are made when required.
- The lead officer will use all available legal powers available to them to resolve issues of anti-social behaviour both to address the initial issue and to prevent and deter any further incidents of ASB/Hate Crime.
- The council will prioritise resources to deal with ASB based on risk, vulnerability of both complainant and perpetrator and the impact the ASB is having on individuals and communities.
- The council's approach to ASB will always be fair, reasonable, and proportionate to each individual case. It is recognised that every case of ASB/Hate Crime is different, and officers will use their discretion to vary their approach to find the most appropriate solution.
- Where the complainant refuses to engage with the completion of Action Plans and Risk Assessments this will be recorded but this will not stop the Council trying to resolve the reported ASB.

15. CASE CLOSURE

Where officers have exhausted all possible and/or reasonable options to resolve a case, the decision will be made to close the case. This will only be done after consultation with the relevant team leader; manager and the complainant. This will be confirmed in writing to the complainant giving the reasons why the case has been closed.

Cases can be re-opened should further information or evidence be made available to the council.

16. INFORMATION SHARING

Council officers work collaboratively with other organisations to address ASB/Hate Crime. Where appropriate the council will share information with the Police and other key agencies under the appropriate information sharing agreements so that all agencies can carry out their functions and duties in accordance with the Crime and Disorder 1998. All data sharing will comply with the General Data Protection Regulation (GDPR) 2016 and with the Data Protection Act 2018.

17.COMPLAINTS AND COMMUNITY TRIGGERS

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victim and communities a say in the way that complaints of antisocial behaviour are dealt with.

This includes 'The ASB Case Review' formally known as 'The Community Trigger'. This gives victims of persistent ASB the right to request a review of their ASB case reported to any of the main responsible agencies (such as the Council, Police or Housing Provider) the right to request a multi-agency case review where a local threshold is met. This brings the agencies together to review the case to consider whether any further actions or activity can be put in place.

The ASB Case Review does not replace the council's own complaints procedure.

18. EQUALITY IMPACT ASSESSMENT

An equality impact assessment may be undertaken to ensure that there is no adverse impact or discrimination against different groups.

19. POLICY REVIEW

This policy will be reviewed every two years unless there are changes in legislation, best practice or other organisational policies which impact on its effectiveness. (Date of next review October 2025).