

Cheltenham Borough Council Housing Services - Anti-Social Behaviour Policy

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Responsible officer

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Consultees

Internal

- Cabinet Housing Committee
- Safeguarding & Equality Manager
- Environmental Health Team

External

- Tenant panel
- Gloucestershire Police – Local Policing Team & Hate Crime Lead
- Victim Support
- SOLACE
- GDASS
- GARAS

Distribution

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1. Introduction and purpose of the policy

1.1. This policy sets out the way in which the Council delivers our housing related ASB service, by working with tenants, internal council teams and partner agencies. The purpose of this policy is to:

- Ensure that ASB is tackled effectively within our housing stock, using a variety of approaches and tools.
- Ensure tenants are aware of the service available from the housing ASB Team and understand the evidence needed to achieve successful outcomes.
- Work with partners to ensure tenants and the communities in which they live are safe.

2. What is Anti-Social Behaviour (ASB)

2.1. The ASB, Crime & Policing 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, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person.'

2.2. Common ASB reports:

Noise related nuisance
Drug smells, use or apparent drug dealing
Verbal abuse and intimidation
Animal related nuisance
Damage, rubbish dumping and item storage in communal areas
'Cuckooing' – where a residents property may have been forcibly taken over for criminal purposes or for advantage to be taken
Hate related incidents – where a person is targeted due to a protected characteristic
Domestic Abuse
Storing or selling of stolen goods

2.3. The above lists what is commonly reported to us, however the list is not exhaustive, as what an individual considers to be 'anti-social' can vary greatly, dependent on tolerance levels and views of certain behaviours.

2.4. Consideration will be given to all reports of ASB, and we encourage tenants to report ASB so that an appropriate responses can be assessed.

2.5. We have a duty to prioritise the most serious reports and use our resources in the best way, taking a harm-centred approach, therefore priority will always be given to reports with the following characteristics:

- Serious risk to person or property (usually relating to Domestic Abuse or Hate Crimes)
- Serious violence or threats of serious violence
- Breaches of existing Injunction Orders or Suspended Possession Orders
- Serious disruption to the community
- Where victims are considered to be particularly vulnerable
- Violence or threats of violence to our staff or contractors.

3. What we cannot investigate from a housing perspective

3.1. ASB can be very wide-ranging, what is anti-social or nuisance behaviour will vary between individuals, dependent on their own resilience, tolerance level, morals and opinions. Sometimes something can cause a nuisance to an individual, however it does not necessarily mean it meets a threshold where action can be undertaken by the council, or by other partners.

3.2. We will always take into consideration the impact of ASB on individuals and try to support tenants as far as possible, balanced against whether the behaviour is in breach of tenancy conditions, civil laws or criminal thresholds.

3.3. We take great care not to unfairly label individuals as 'anti-social' unless there is sufficient evidence and threshold met to show that they are indeed causing a nuisance deliberately.

3.4. Below is a list of some reports that we generally will not investigate as ASB:

Reported Issue	Examples
Noise issues created by children	Children running/jumping/crying
Noise created by a 'clash of lifestyle'.	Persons getting up early for work/coming home late/Family household vs. single person household
Noise created by normal household activity (unless late at night)	Vacuuming/DIY/Washing machine use
Civil disputes between neighbours	Parking disputes/boundary disputes
Cats	Roaming/Fouling

Disputes over communal areas	Communal lounge or kitchen usage or facilities/personal garden equipment usage
Feeding of birds	Use of bird tables of feeders attracting birds
Youths congregating (unless there is specific associated anti-social activity)	Group standing around talking/socialising
Social media related disputes (unless as part of a wider harassment issue)	Infrequent or one-off online comments

3.5. It is important to highlight that any **criminal incidents** must be reported to Police in the first instance, the general types of offences referred to are assaults, drug dealing, criminal damage, threats to kill. We cannot investigate a criminal matter in place of the Police.

3.6. Where the alleged criminality may have implications on an individual's tenancy, if they are convicted of the offence, we work in partnership with the Police to share information and ensure all tenancy related aspects are considered.

4. How we work in partnership to tackle ASB

4.1. The overall function of the housing ASB Team is to tackle incidents of ASB that involve tenants, whether the ASB is perpetrated by, or against, tenants and occurs inside, or within the locality of, their home.

4.2. In tackling ASB across Cheltenham it is vital that partnerships exist between tenants and those agencies that are responsible for finding solutions to, or enforcing, ongoing nuisance and ASB issues.

4.3. It can be confusing to know who to contact if you are affected by ASB incidents in some way. The below table details the partners that exist across Cheltenham, that are there to support and help residents in the tackling of ASB:

Partner	Main Responsibilities	Contact
Tenants	Report ASB witnessed and work with partners to help provide evidence.	
Police	Lead on investigation into criminal incidents.	999 (emergency) or 101
Housing ASB Team	-investigate ASB that affects tenants and is a potential breach of tenancy conditions -Issues that occur in, or in the locality of, council-owned housing	0800 408 0000 asbteam@cheltenham.gov.uk Customer Portal
CBC Neighbourhood Team	-Environmental ASB in public areas, such as fly-tipping, dog fouling and graffiti	01242 262626
CBC Environmental Protection Team	-Noise nuisance (potential statutory nuisance)	envhealth@cheltenham.gov.uk 01242 262626
Crimestoppers	-UK charity taking anonymous reports of crime.	0800 555 111

3.5. Often, criminal or anti-social incidents will interlink and involve the services of several partners.

Partnership working includes the following multi-agency approaches:

- Safer Gloucestershire Partnership
- Cheltenham Community Safety Partnership
- Multi-Agency Problem Solving (MAPS) Forum
- Cheltenham Safer Communities meeting
- Cheltenham Locality Multi-Agency Child Exploitation (MACE) meeting

3.6. in addition, ASB practitioners also regularly hold case meetings to share information and work together where needed to tackle specific issues.

3.7. We also hold specific information sharing agreements with partners, and data is treated in line with GDPR requirements, to ensure proportionality, and that information shared is specific and relevant to the investigation.

3.8. The below examples give details of how we have worked in partnership in a practical way, in relation to common issues and reports:

Example 1 – CBC Housing ASB Team received concerns from the local community relating to drug dealing within one of the flats that we manage. This information was passed on to Police as intelligence. Police subsequently executed a warrant and found illegal drugs at the property. The resident was arrested and criminally convicted for possession with intent to supply illegal drugs. Housing ASB Team requested the details of the criminal case through our information sharing agreement with the Police. We then used the evidence to obtain possession of the property due to the nature of the conviction also being a serious breach of tenancy.

Example 2 – CBC Housing ASB Team received a noise related complaint. We asked the complainant to keep an incident log and capture audio samples through the Noise App and we made the resident allegedly making excessive noise aware of the concerns. After two weeks, the noise incidents continued. We referred the details to the CBC Environmental Health Team, who conducted noise monitoring. A statutory noise nuisance was proven through the monitoring, and a Noise Abatement Notice served upon the household.

Example 3 – Reports were received by Police, SOLACE and CBC Housing ASB Team in relation to nuisance behaviour from a male resident, who was being abusive and threatening to members of the community. The property was council-owned. Police, SOLACE and the CBC Housing ASB Team shared the evidence and report details that we had received, and each provided statements of evidence in undertaking Injunction proceedings. The Court subsequently granted an Injunction Order with Power of Arrest in respect of the offender.

5. How to report ASB incidents to us

5.1. CBC is committed to ensuring that our ASB service is accessible to all and that it is easy to report any ASB incidents or concerns to us, in a variety of ways.



By telephone - to our Contact Centre on freephone number **0800 408 000**. The Contact Centre lines are open between **8am – 5pm Monday to Friday**. After this time, you can make reports to our out of hours provider through the same telephone number.



By Email – to asbteam@cheltenham.gov.uk this inbox is checked daily during hours (8am – 5pm).



Customer Portal – You can register and log in to the Customer Portal using your tenancy reference number. There is facility to report ASB as part of the range of self-service options available.



CBH Website – Access the 'Do it online' section and you can complete a form to provide the details of your ASB concern.



Face-to-face – You can speak to a member of the ASB Team through an arranged visit or office meeting. Simply call via our Contact Centre, or email us, to request an appointment.



In writing – to our offices at:

- Hesters Way Resource Centre, Cassin Drive, Cheltenham, GL51 7SU
- Oakley Resource Centre, 113 Clyde Crescent, Cheltenham, GL52 5QJ
- Municipal Offices, Promenade, Cheltenham, GL50 9SA

6. What action do we take & what can you expect from us

6.1. When receiving an ASB report, we will contact the tenant within **1 working day for urgent matters**:

- Hate Incidents
- Domestic Abuse
- Serious Violence

6.2. For all other reports, we will contact the tenant within 5 working days.

6.3. The ASB issue will be dealt with by a specific, named ASB Officer who is responsible for a neighbourhood.

6.4. We have a duty to ensure that we do not unfairly label tenants as anti-social without reasonable evidence. Where an ASB incident has occurred that may require further detail or evidence provision, we will open a **Triage Action**. Within this action, we will ask the tenant to document any further incidents over a two-week period. We will then contact the tenant within that two-weeks to assess the next steps. Where no or minimal further issues have occurred, we are likely to close the Triage Action. Where there is evidence of further issues, we will open an ASB Investigation case.

6.5. Where there is evidence of a persistent ASB issue that requires intervention from us, we will open an ASB Investigation Case. When a case is opened we will do the following:

- Complete a **Risk Assessment** based on the details of the ASB and the tenant's personal circumstances and needs.
- Agree an initial **Action Plan** with the tenant as to how we will investigate and look to resolve the ASB issue.
- Contact the tenant on a **Fortnightly** basis to check in and update regarding the progress of the investigation. We will agree with the tenant the preferred method of contact.

6.6. It is vital that an ongoing relationship exists between the housing team and the tenant in the gathering of evidence, as any legal action, including possession proceedings, have to be presented to the County Court.

6.7. Our aim is to try and resolve ASB issues without the use of legal actions. Some examples of non-legal measures that we may use are:

- Warnings – written or verbal
- Formal interviews
- Use of practical measures to reduce the ASB e.g. headphones
- Support based interventions
- Mediation
- Acceptable Behaviour Contracts

6.8. Where we have attempted non-legal measures and the ASB is evidenced to be continuing, we can then consider legal-options, which are commonly:

- Anti-Social Behaviour Injunction
- Extension of Introductory Tenancy
- Demotion of Tenancy
- Possession Proceedings

6.9. Dependent on the severity of the ASB, and/or where certain criminal offences have occurred in or around our properties, legal enforcement may happen without the non-legal steps, however generally, the non-legal measures are the most usual and appropriate.

6.10. Where ASB issues are resolved, we will agree with you that a Triage Action or ASB Investigation case can be closed.

6.11. Where a Triage Action or an ASB Investigation Case is closed, you will receive a short survey from us in order for you to be able to rate the service you have received. This information is vital in allowing us to improve our services.

7. Supporting tenants & supportive interventions

7.1. We are committed to delivering our ASB service in a person-centred way, being as flexible as possible around the needs of tenants, working to reduce harm and promote longer term wellbeing.

7.2. When discussing an ASB issue, we will also ask a tenant about any support in place or any unmet support needs. As part of investigating the ASB issue, we will also work with tenants to ensure access to support where possible.

7.3. We do this by ASB Officers referring to agencies, such as Victim Support, to provide tenants with extra care and contact around the ASB issue, or we may involve the councils housing service Tenancy Investment staff to meet with tenants, provide advice and help to create a support network with the tenant, where required, to provide longer-term support.

7.4. As part of our response to ASB issues, we also look at the needs of the tenant causing the ASB issue.

7.5. Where an unmet support need may be a contributory cause to the ASB, for example poor mental health, we will work to get this support need met, working with our partner agencies. Where needs can be met, this often reduces or resolves the ASB issue.

7.6. The court expects all vulnerability or support related factors to have been taken into account prior to any case being brought before the court. We also have a duty to actively try to prevent homelessness.

8.0. Hate crime & hate incidents

Our position:

8.1. CBC strives to ensure that tenants feel as safe as possible in their homes, and we are committed to supporting persons that may be subjected to hate crimes or hate incidents.

We are also committed to taking the strongest possible action against any tenants that may be committing criminality, or causing distress, based on any hate related motivations and therefore breaching their tenancy conditions in the most serious way.

8.1 Whilst any hate crime or incident should be reported to the Police in the first instance, CBC have strong links with the Police and will work together where a criminal incident has occurred that will also constitute a serious tenancy breach.

8.2 We will also work to ensure that the victims of hate crimes or incidents are signposted to specialist support.

What is a hate crime?

8.3 A hate crime is defined as a criminal offence which is perceived by the victim, or any other person, to be motivated by hostility or prejudice towards an individual based on a protected characteristic that the victim has, or is perceived to have.

What is a hate incident?

8.4 Hate incidents refer to incidences that are motivated by specific protected characteristics, or perceived to be motivated by specific protected characteristics, but do not constitute a criminal offence.

What are the protected characteristics ?

- Age
- Race
- Religion or Belief
- Gender Reassignment
- Sex
- Sexual Orientation
- Disability
- Marriage of Civil Partnership
- Pregnancy or Maternity

Contacts for support around hate crimes & hate incidents

8.5 The below are some of the specialist agencies that provide hate crime or hate incident support:

- Victim Support – 0800 077 8460
- Stop Hate UK – 0800 138 1625
- Equality Advice & Support – 0808 800 0082
- Galop (LGBTQ+ victims & survivors of abuse and violence) – 0800 999 5428
- On Your Side (for persons who identify as East and Southeast Asian) – 0808 801 0393

9 Consultation

9.1 This policy has been subject to an Equality Impact Assessment to help ensure that CBC is meeting the requirements of the public sector Equality Duty (introduced in 2011 under the Equality Act 2010) in respect of the ASB services we offer.

10 ASB Case Review

- 10.1 ASB Case Review's give victims, or victims' representatives, the right to ask local agencies to review how they have responded to previous ASB complaints. As well as considering what further actions might be taken where the behaviour persists
- 10.2 It is not a complaints procedure. Its purpose is to offer a 'safety net' for vulnerable victims and to help avoid individuals being passed between agencies without resolution.
- 10.3 Subject to meeting the threshold (listed below), anyone who is affected by ASB can ask for a Case Review. A Case Review can also be requested by someone acting on behalf of the victim, whether this is a family member, a carer, or councillor or MP, although written consent will be needed if it is not the victim.
- 10.4 Any victim or victim's representative (written consent is required), can activate an ASB Case Review if the criteria, or threshold, for submitting an ASB Case Review application is:
- Three or more reported incidents of anti-social behaviour, including hate incidents, to relevant agencies
 - The incidents occurred within a six month period and were reported within a month of each incident happening
 - The anti-social behaviour is ongoing

10.5 Within Gloucestershire, case reviews are managed by the Office of the Police & Crime Commissioner (OPCC). To apply for an ASB Review, the below link takes you to the application process on the OPCC website:
<https://www.gloucestershire.police.uk/advice/advice-and-information/asb/dp/request-asb-case-review/>

10.6 The legislation states that the following 'relevant bodies' must attend an ASB case review panel:

- District/city council
- Police
- Health
- Social housing providers

10.7 In Gloucestershire we also invite Solace (Solace – joint Police/Council ASB Team), Gloucestershire's Fire and Rescue Service, the Youth Support Team, Probation and any other agency as appropriate. Importantly, the victims (and / or their representatives) are invited to attend the ASB case review.

11 Feedback & Learning

10.1 As an organisation we are committed to obtaining feedback from service users, to identify specific learning from casework and embed changes to policy and procedures with a culture of continual service improvement.

10.2 Where a Triage Action or an ASB Investigation Case is closed, tenants will receive an SMS text survey to rate the service you received. This information is vital to improve our services.

10.3 Feedback on ASB case management is also received through our quarterly customer satisfaction telephone survey.

12 Accessibility Statement

12.1 Cheltenham Borough Council (CBC) is committed to ensuring its Housing Services Anti-Social Behaviour (ASB) Policy is accessible and inclusive for all members of the community. This statement outlines our approach to accessibility, with a focus on compliance with relevant legislation, including the Equality Act 2010.

12.2 CBC recognises its statutory responsibilities under the Equality Act 2010, specifically the Public Sector Equality Duty (PSED), which requires public bodies to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

12.3 In accordance with this, the ASB Policy and related services have been subject to an Equality Impact Assessment to:

identify and mitigate any potential disadvantages to tenants with protected characteristics.

- Are delivered in a person-centred, harm-focused, and trauma-informed manner, with flexible responses tailored to the needs of each tenant .
- Actively seek to reduce barriers to access for all, including those with disabilities, language or literacy needs.
- Include specialist support and signposting where required, particularly for victims of Hate Crime, Domestic Abuse, or residents with additional vulnerabilities.
- Are continually reviewed and informed by feedback from a wide range of stakeholders, including tenants and safeguarding professionals.

12.4 We ensure that tenant can report ASB in a variety of accessible ways, including:

- Telephone, email, and online portal.
- In-person visits and home appointments.
- Alternative formats on request (e.g., large print, translated materials);
- Language or British Sign Language (BSL) interpreters where required.
- Support for third-party or representative reporting.

13.5 Supporting Inclusive Practice

Our staff receive training on equality and safeguarding. We work proactively with specialist agencies to ensure that support is in place for those experiencing ASB who may be disproportionately affected due to a protected characteristic under the Equality Act 2010, including:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation



13.5 Continuous Improvement

We are committed to continuous improvement and encourage all tenants to provide feedback on the accessibility and inclusiveness of ASB services. This is achieved through satisfaction surveys, tenant forums, and feedback from partner agencies.

This policy or related documents is available in alternative formats on request.