

## ASB Policy

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<b>Scope:</b>	This policy applies to all tenants and leaseholders of Uttlesford District Council (UDC) and all residents of and visitors to the district.
<b>Effective Date:</b>	June 2025
<b>Review Date:</b>	June 2027
<b>Signed Off:</b>	
<b>Author:</b>	Carla Claydon, Community Partnership Manager
<b>Policy Owned by:</b>	Communities Team
<b>Statute:</b>	ASB Crime and Policing Act 2014 ASB Act 2003 Equality Act 2010 The Crime and Disorder Act 1998 Human Rights Act 1998 Housing Act 1996 Environmental Protection Act 1990 CCTV Policy 2024 Domestic Abuse Policy 2025
<b>National Standards:</b>	Resolve Standard

## 1 Strategic Overview

- 1.1 UDC's Anti-Social Behaviour policy sets out our vision to support the Community Safety Partnership's priorities to tackle, disrupt and reduce ASB, crime and violence in Uttlesford. It aims to support victims of ASB and help those living, visiting, and working in the district feel safer. This includes dealing with perpetrators and using enforcement tools where necessary.

## 2 Policy Statement

- 2.1 The aim of the policy is to outline how we will tackle anti-social behaviour (ASB) that is having a detrimental impact on people and communities.
- 2.2 The objective of this policy is to ensure we provide a consistent and proportionate response to all behaviour we define as being anti-social.

## 3 Key Principles

- 3.1 We will take a harm-centered, victim focused approach which not only considers the seriousness of the ASB, but also the impact on those affected.
- 3.2 To provide an excellent and responsive approach to tackling ASB in our communities.
- 3.3 To work in partnership to deter ASB, jointly manage cases, and sustain safe and flourishing communities.

## 4 Definition of ASB

- 4.1 We use the definitions of ASB found within Part 1 of the ASB, Crime and Policing Act 2014, relating to our responsibilities as a Local Authority and as a housing provider, which defines ASB as being:
- (a) conduct that has caused, or is likely to cause, harassment, alarm 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.*
- 4.2 Where behaviour reported meets the above definition we will then consider if the behaviour is unreasonable. Only when we determine something to meet the definition **AND** be unreasonable, will we determine it to be ASB.
- 4.3 UDC understands that we have a role in tackling domestic abuse (DA) and supporting victims. We will consider DA in-line with ASB where the issues are

affecting persons not of the same household. Where this is the case, we will follow this policy in conjunction with our Domestic Abuse policy.

- 4.4 We believe that hate crime is a serious form of ASB where the victim/s is part of an identifiable group, and the motivation for the perpetrators behaviour towards them is due to them being party of this group. UDC is a third-party reporting centre and where a hate crime occurs, we will follow this policy.
- 4.5 We will use this policy to address violence, abuse or inappropriate behaviour towards employees or contractors of UDC.

## 5 Examples of ASB

- 5.1 We will establish whether an ASB report is based on the behaviour, the impact and context of each case. Therefore, we cannot produce a comprehensive list of behaviours that we consider to be ASB, but the following are examples of behaviours that are likely to be considered to be ASB:

**Individual (High Risk) ASB** – *behaviour targeted towards a particular individual e.g. violence, threats of violence, hate crime, abuse etc.*

**Community ASB** – *behaviour that affects a number of people in the community e.g. noise, animal nuisance, drug or substance misuse, damage to property.*

**Environmental ASB** – *behaviour such as littering, fly-tipping, dog fouling etc.*

- 5.2 There will be occasions where behaviour reported to us will **not** be defined as ASB. This will be determined on a case-by-case basis and the reasons may include:

- The behaviour does not meet the definition of ASB.
- There is no pattern or persistence, and the incident is minor (a one-off party that has caused a disturbance but there is no foreseeable risk of a repeat incident).
- The behaviour relates to a dispute between neighbours – sometimes we will live next to people we do not get on with and these issues should try and be resolved by the parties involved rather than relying on us to do so. Exceptions would be where there is a clear and/or vulnerable victim, or the behaviour is affecting the wider community (in relation to the latter example it is likely we may take action against *all* parties involved in the dispute).

- Where the behaviour is not unreasonable such as: mowing lawns or other garden maintenance, carrying out DIY at reasonable hours, noise generated by everyday living, e.g. walking across laminate floor wearing shoes or a baby crying, noise from domestic appliances, noise disturbance relating to shift patterns, cooking smells, children playing in the locality or a designated play area, ball games, BBQ's, bonfires, and parking disputes.

5.3 This is not an exhaustive list, and each complaint will be assessed as to whether it is reasonable or not.

## 6 Categories of ASB

6.1 We categorise ASB based on the severity and the harm caused. This is to ensure we prioritise the most serious behaviours and can act quickly to protect those in most need.

6.2 Below we give details of the types of behaviour that fall under these categories and our response times.

Case Severity	Examples	Response
<b>Individual (High Risk) ASB</b>	Threats of violence, actual violence, Hate Crime or ASB where the victim or perpetrator has high levels of vulnerability	Contact with the complainant will be attempted <b>within 24 working hours</b>
<b>Community ASB</b>	All forms of ASB <i>are not</i> categorised as high risk or environmental	Contact with the complainant will be attempted <b>within 5 working days</b>
<b>Environmental ASB</b>	Issues such as littering, fly-tipping, dog fouling, graffiti (where no hate related element)	Contact with the complainant will be attempted <b>within 10 working days</b>

## **7 Expected Standards of Behaviour**

- 7.1 We expect all Uttlesford residents to behave with respect to others and in a manner that doesn't interfere with the well-being of other individuals or groups who live in, work in or visit our communities. These standards apply to all, irrespective of tenure.
- 7.2 In addition to the general standards of behaviour, UDC tenants and leaseholders are bound by specific terms of tenancy or leasehold agreements. Conditions relating to behaviour may vary according to agreements, but all our tenants and leaseholders are responsible for the behaviour of themselves, household members, visitors and pets, regardless of whether they have given permission for them to act inappropriately.

## **8 Cross-tenure working**

- 8.1 In some cases, there may also be another agency better placed to take action against a non-tenant. For example, if the non-tenant is a tenant of another registered provider or if the issues are of a criminal nature. We will support action where appropriate and may assist in gathering evidence.
- 8.2 We deal with matters of ASB as a Local Authority and statutory member of the Community Safety Partnership as well as a provider of housing. We will therefore take action against non-tenants where their behaviour is affecting others living in the community.

## **9 Taking Action**

- 9.1 We have a range of responses available to tackle ASB. We do not adopt an incremental response and will take whatever action is proportionate to the issue. We will determine what is proportionate based on several factors including, but not limited to:
- Seriousness
  - Persistency
  - Harm caused to the victim(s) or community
  - Vulnerability
  - Whether the perpetrator is co-operating
  - Whether previous action has been taken and how effective it was
- 9.2 Our preference is to try and prevent ASB from occurring and we will try to achieve this by:

- Assessing information available at pre-tenancy stage to offer the most appropriate property to their needs as well as ensuring the necessary support is in place when they move in.
- A clear sign-up process which provides our tenants with full details of their responsibilities and the consequences on their tenancy should they not comply.
- Utilising our Community Safety Partnership to share information with local partners to identify areas of high risk and target resources appropriately.
- Publish an annual Community Safety Action Plan encompassing a range of initiatives to engage, educate, communicate, and support our communities.

9.3 Where behaviour is minor, we will encourage parties to find a resolution themselves as formal intervention by us can escalate issues and cause unnecessary tension between parties. We encourage people to talk informally or may suggest mediation.

9.4 Where we do intervene, we have several options, including but not limited to:

- Verbal and Written warnings
- Acceptable Behaviour Agreements
- Referrals for Support
- Community Protection Notice Warnings

9.4 Where we have cases of ASB that require legal action we will consider all options available to us and decide the most appropriate, including:

- Civil Injunctions
- Community Protection Notices
- Fixed Penalty Notices
- Discretionary, Mandatory and Suspended Possession Orders
- Public Spaces Protection Orders (PSPO's)
- Closure Orders

9.5 When considering any form of legal action, we will undertake a proportionality assessment and/or community harm statement to ensure action is necessary

and proportionate and that we have considered the Human Rights Act 1998 and Equality Act 2010.

- 9.6 If we decide there is no reasonable action that can be taken to deal with an issue, we will inform the complainant and provide an explanation as to why this is the case. We will also close a case where there is no evidence to progress it, and no further action can reasonably be taken.
- 9.7 Where complaints persist after we have explained that the issue cannot be dealt with via our ASB policy we may consider how we take action to address this. Repeated calls may suggest a vulnerability that we could offer support for, or complaints may be malicious and have an unreasonable demand on resources. Should this be the case we may consider action in line with our Unacceptable Behaviour Policy.

## **10 Victim and Witness Support**

- 10.1 We take a victim centered approach, considering the harm that is caused, and aim to foster an environment where Victims and Witnesses feel safe and confident to report ASB to us.
- 10.2 We understand that victims of ASB may be vulnerable, and that a person's vulnerability may change during a case due to the impact of the behaviour. A risk assessment will therefore be carried out at the initial stages of a case and reviewed as necessary, or if the risk level increases.
- 10.3 We will participate in local multi-agency arrangements for safeguarding where appropriate for us to do so.
- 10.4 Suffering from ASB is an unpleasant experience whether there are vulnerabilities or not and therefore we offer all complainants a level of support appropriate to their needs and the circumstances of the case. This may include:
- Offering a variety of channels through which to report ASB
  - Responding promptly to reports and maintaining confidentiality (except where there are safeguarding concerns)
  - Agreeing a realistic action plan to resolve the matter
  - Ensuring the complainant has a point of contact and keeping them informed on progress
  - Conducting regular case reviews

10.4 Where we identify safety concerns, we will work with partners to provide additional security measures such as visits from officers, additional locks or security lighting and personal alarms.

10.5 Where legal action is required and witness evidence is necessary, we will support the witness through the court process with pre-court visits, practical advice on etiquette of court and reasonable travel and childcare expenses.

## **11 Working with Perpetrators**

11.1 Whilst we do not allow perpetrators to use vulnerability as an excuse for their behaviour, we do recognise that vulnerabilities can exacerbate ASB issues, and that offering support can be beneficial to all parties.

11.2 Perpetrators can be vulnerable for a range of reasons including mental and/or physical health, substance dependency, etc. Our officers will consider the needs of a perpetrator at all stages of a case and offer support or referrals where necessary and available.

11.3 The following principles will apply where the perpetrator has support needs:

- The needs of the victim(s) should be at the forefront of the case.
- Support will not delay necessary action, and a twin-tracked approach of enforcement and support will be followed.
- A perpetrator's refusal to engage with support will not delay action to protect the victim/s.

## **12 Working in Partnership**

12.1 Partnership working is essential to achieve the successful resolution of ASB, and we will work with a variety of agencies including statutory, non-statutory and voluntary sector organisations.

12.2 Recognising that some ASB cannot be managed by one agency alone, we will attend regular partnership meetings to enable the exchange of information between key community partners.

## **13 Information Sharing**

13.1 We are party to several information sharing agreements with organisations such as the police and Essex County Council safeguarding boards. This enables us to lawfully share information for the purpose of preventing, detecting and



tackling ASB and crime. We will comply with the relevant data protection legislation when doing so.

- 13.2 When we share information, we will ensure that the transfer of information is done safely, stored appropriately and is not shared with a third party without permission unless there is a legal basis for doing so.
- 13.3 When we receive Freedom of Information or Subject Access Requests we will deal with these lawfully and with the guidance from the Information Commissioner's Office.

## **14 Confidentiality**

- 14.1 Where a complainant requests that, we keep their identity confidential, it may impact on our ability to take action. Only in the most serious cases can we take action without informing the perpetrator of the details of the report against them. Often the nature of the report, especially if it is personal ASB, will make clear to them who made the complaint. We will discuss with complainants how we can support them if fearful of repercussion.
- 14.2 Anonymous reports are often difficult to deal with, especially when the information provided is limited. We will assess how serious the report is before we decide whether we can investigate it. This may include speaking to partners, such as the Police, to establish whether they have further information that we can act upon.

## **15 Review of Decision and Complaints**

- 15.1 Anyone who is not satisfied with the way UDC or its contractor(s) has delivered the service they have received regarding ASB has the right to have their case investigated.
- 15.2 Residents should follow UDC's Complaints Policy if they wish to make a complaint about service standards.
- 15.3 Victims of ASB also have the right to request an ASB Case Review. This is a process whereby the Community Safety Partnership reviews the complaints of ASB, and the actions taken where the victim perceives no action has been taken or has been unsuccessful.

## 16 Monitoring

- 16.1 We are committed to operating a successful and responsive ASB service and performance will be reported via Operational Management meetings.
- 16.2 We will monitor satisfaction via service user feedback and use this information to improve the quality of our service.
- 16.3 We will monitor our response times, actions taken and how long a case has remained open to identify trends and improve our performance.

## 17 Equality and Diversity

- 17.1 The council will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 17.2 We are committed to helping customers to access information about their homes and services in a way that suits individual needs.
- 17.3 We will meet the requirements relating to equality and diversity laid down in the Equality Act 2010 by working to:
- eliminate discrimination, harassment and victimisation
  - advance equality of opportunity and
  - Foster good relations between all our residents, service users and staff.
- 17.4 The council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination. We will not discriminate against staff, customers or others based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age (collectively referred to as protected characteristics in the Equality Act 2010).
- 17.5 The council aims to provide homes and services that meet the diverse needs of customers. We believe that all customers should be able to access housing, support and care services with the same ease and that the quality of our service is of the same high standard for all.

### Related Documents

Document	Link
<b>Connected Policies:</b>	Domestic Abuse Policy Safeguarding Children, Young People and Adults Policy and Procedure Unacceptable Behaviour Policy Complaints Policy
<b>Forms and Letters:</b>	Risk Assessment Proportionality Statement

**Leaflets:**

## Version history

<b>Version no.</b>	1	<b>Date effective:</b>	
<b>Full / partial review?</b>			
<b>Brief summary of changes:</b>			
<b>Staff consultation (teams):</b>	Neighbourhood Housing Team Community Safety Partnership Public Health and Protection Equality Steering Group Safeguarding Steering Group		
<b>Resident consultation:</b>	Tenants Panel		
<b>Approved By Cabinet / Council:</b>			
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