

Antisocial behaviour policy

Version 2 draft
January 2025

Merged from previous ASB and
Good Neighbour Policies.



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

1 CONTENTS

1	CONTENTS	2
2	Introduction	3
3	Aims.....	4
4	Related documents.....	5
5	Legal context.....	5
6	Policy statement	5
7	Definition of Antisocial Behaviour (ASB)	6
8	Hate crime/incident.....	6
9	Reporting antisocial behaviour	7
10	Investigation.....	8
11	Supporting victims and witnesses.....	8
12	Supporting accused parties where vulnerable	9
13	Further incidents	10
14	Non-legal tools and interventions	10
15	Legal remedies tools and powers available	14
16	Case Monitoring	16
17	Case Closure.....	17
18	ASB Case Review.....	17
19	Monitoring, review and accountability	18
20	Equalities Statement	19
21	The General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018.....	19

2 Introduction

- 2.1 This Policy outlines Housing Management’s approach to addressing antisocial behaviour affecting or caused by tenants, leaseholders and freeholders in Council properties and estates.
- 2.2 Housing Management’s will work in partnership with other departments within the Council, such as Environmental Health and Community Safety to respond to anti-social behaviour.
- 2.3 Everyone has a right to live in a safe environment that allows them the quiet enjoyment of their home and community. And this is the responsibility of each resident.
- 2.4 Residents who are experiencing antisocial behaviour and report such incidents to Housing Management will be supported and their concerns fully addressed.
- 2.5 There are 4 differing grades for antisocial behaviour, as listed below.

Grade	Description
1	Antisocial behaviour resulting in actual or threatened violence
2	Antisocial behaviour that is intentional, targeted and may be continuous.
3	Behaviour or acts that are considered breaches of the conditions of the licence/ lease/tenancy agreement.
4	Nuisance / non-ASB

More information on these grades can be found in the appendix.

2.6 Examples of the types of ASB:

- Criminal activity
- Cuckooing
- Alcohol/ drug related nuisance
- Noise Nuisance
- Hate related incidents
- Vandalism
- Verbal abuse and harassment
- Physical violence

- Dumping rubbish/ flytipping
- Animal nuisance

2.7 Examples of behaviour not considered ASB:

- Noise (including music) which is seen as not being ASB or a breach of tenancy
- Children playing, *except when this leads to damage, aggressive behaviour.*
- People, including young people, gathering and socializing in the street unless they are causing damage, being abusive or threatening, or being excessively noisy.
- One off parties or barbeques
- Cooking smells
- Minor personal differences
- Clashes of lifestyle, including cultural differences

3 Aims

3.1 This policy aims to:

- Prevent and minimize instances of antisocial behaviour (ASB) that residents experience.
- Resolve instances of anti-social behaviour (ASB) as early as possible through timely and appropriate intervention.
- Provide a harm-centered approach to victims and case management, providing victims with regular updates, effective communication and provision for appropriate support, including external agencies.
- Treat people fairly and equally, ensuring that any action taken is proportionate and reasonable in the circumstances.
- Support the development of stronger communities.
- Clarify the responsibility of residents and the types of things that can contribute to being a good neighbour.
- Clarify the responsibility of the Housing Management department.

3.2 Where there is sufficient evidence and it is reasonable and proportionate to take enforcement action, Neighbourhood Management will take action against any identified individuals and act on behalf of residents who are subjected to ASB.

4 Related documents

- ASB Procedure
- ASB Equality Impact Assessment
- Community Safety Strategy
- Environmental Health Enforcement Policy
- Domestic Abuse Policy
- Pets Policy
- Hate Crime protected characteristics list - <http://www.legislation.gov.uk/ukpga/2010/15/section/4>

5 Legal context

- The Crime and Disorder Act 1998
- The Anti-Social Behaviour Crime & Policing Act 2014
- The Housing Act 1985
- The Housing Act 1996
- The Housing Act 2004
- The Anti-Social Behaviour Act 2003
- The Equalities Act 2010
- The Data Protection Act 1998
- UK General Data Protection Regulation
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Police & Justice Act 2006

6 Policy statement

- 6.1 RBKC Housing Management is committed to ensuring that any resident who causes ASB will be held to the conditions of their licence/tenancy/leasehold agreements. Council tenants are responsible for all members of their household and visitors.
- 6.2 Any actions related to ASB will be treated seriously by Housing Management and investigated fully. If a non-Council resident is alleged to be the perpetrator of ASB against a Council resident, Housing Management will work with the relevant landlord or agency to ensure appropriate actions are taken.

- 6.3 Housing Management will use all appropriate interventions and tools, to address reports of ASB reasonably and proportionately, to minimise nuisance going forward.

7 Definition of Antisocial Behaviour (ASB)

7.1 The Government defines ASB in the Crime and Disorder Act 1998 as:

- “Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant)”.
- The Council has adopted the definition of ASB as outlined in the ASB, Crime and Policing Act 2014 adds further detail, that ‘anti-social behaviour’ is defined by section 2(1)
- 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 person’s occupation of residential premises, or
- conduct capable of causing housing-related¹ nuisance or annoyance to any person.

7.2 Housing Management will adopt a harm centred approach to deciding on whether something is ASB, considering both the behaviour type and the impact that this is having on the victim/s.

8 Hate crime/incident

- 8.1 The Crown Prosecution Service defines hate crime as:
“Any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person’s race, religion, sexual orientation, transgender identity or disability, or the perception of the person of having any of these characteristics.”

8.2 The Met Police defines a hate incident as:

“A hate incident is any incident which the victim, or anyone else, thinks is based on someone’s prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender. Not all hate incidents will amount to criminal offences, but it is equally important that these are reported and recorded by the police.”

8.3 Hate Crime is a crime and should be reported to the police in the first instance, however, we offer support to residents who are victims of hate crime and will make referrals to third party/ voluntary agencies to help victims gain further support.

8.4 We will also respond to reports of hate Crime within our estates and work jointly with the police to address this.

8.5 We will seek to take action against tenants who are known to be perpetrators of Hate Crime.

9 Reporting antisocial behaviour

9.1 Reports can be made directly to the Neighbourhood Management Team, via email, phone or by visiting one of our local housing offices.

9.2 All reports of criminal activity must be reported to the Metropolitan Police in the first instance and then to Neighbourhood Management. We will liaise and support the Police with their investigation, as well as manage the reports in line with this policy.

9.3 We will not disclose the identity of any complainant to the accused party unless the complainant has provided authorisation.

9.4 Reports can be kept completely anonymous, although this can have a negative impact on the action we can take.

9.5 Reports of domestic abuse will be managed in line with our Domestic Abuse Policy.

10 Investigation

10.1 A full investigation will be completed which can include:

- Visiting/ speaking to the victim, providing support and signposting to agencies such as Victim Support.
- We will seek to identify any vulnerabilities or safeguarding concerns during the initial meetings, and will review throughout.
- Action plans agreed with complainants/victims.
- Carrying out risk assessment, to identify and aim to reduce any risk to complainants/victims.
- Identifying and contacting any additional witnesses including those identified by the named complainant.
- Contacting the accused party at the earliest / most appropriate opportunity.
- Upon investigation, if we find evidence of a resident making malicious allegations against the other party, we will take steps to address this.
- Installing noise monitoring equipment may be offered to assist in an investigation.
- Information sharing and a multi-agency approach through involving agencies such as Police, Community Safety Team, Social Service, Environment Health.

11 Supporting victims and witnesses

11.1 We will aim to support all complainants/victims and witnesses of ASB.

11.2 With each complainant/victim and witnesses we will agree preferred communication methods and frequency of contact.

11.3 We will complete a risk assessment with each complainant/victim to identify the risk and any vulnerability or safeguarding issues. We may make safeguarding referrals in line with our Safeguarding Policy.

11.4 Where ASB cases go to court, we can provide reimbursement to witnesses, which will be inline with the rate given for Jury Service.

11.5 We will agree an action plan with each complainant/victim.

11.6 ASB reports are taken seriously and we will take reasonable and proportionate action against those identified as causing ASB. If there are no perpetrators identified, Housing Management will work with the Police, Community Safety Team and other agencies to investigate the reports.

11.7 Examples of support Neighbourhood Management may provide:

- Referrals to Victim Support, the Council's Hate Crime officer – full details at <https://www.rbkc.gov.uk/community-and-local-life/community-safety/help-victim-support>
- **Community Safety Target hardening**, which will assess and advise on additional security measures at a complainant/victim's home. This available to all RBKC residents, however leaseholders may be asked to contribute a percentage of the total cost of any works recommended.
- **Emergency temporary accommodation** - This is normally for residents who are not able to return to their home due to a serious threat to their safety.
- **Support for those giving evidence in Court** via an external Professional Witness Officer (Citizens Advice Bureau) - including helping draft statements, visiting witnesses and escorting them to Court; ensuring that residents are confident with the legal process.
- **Additional communication support**, such as Braille or British Sign Language, translation services.

12 Supporting accused parties where vulnerable

12.1 Neighborhood Management has an obligation towards alleged perpetrators who are vulnerable. In some instances it may not be appropriate to follow normal policy where a perpetrator is vulnerable, this is particularly when seeking possession.

12.2 We will liaise with perpetrators support network to try and seek a suitable resolution, which may consider alternative accommodation.

12.3 We will take mental health conditions and other vulnerabilities into consideration when identifying any support needs or considering legal action.

13 Further incidents

- 13.1 The complainant should be advised to report any new/further incidents to Housing Management as soon possible, in emergencies, the complainant must call 999 in the first instance.
- 13.2 If possible, the resident should reference the previous case number or relevant dates, so we can link up the information on our systems.

14 Non-legal tools and interventions

- 14.1 Neighbourhood Management will use a range of early intervention practices to mitigate ASB, including:

14.2 Starter/Introductory tenancies

- 14.2.1 Starter/ Introductory tenancies allow Neighbourhood Management to deal quickly with problems like antisocial behaviour.
- 14.2.2 At sign-ups and tenancy visits we will explain to new tenants the terms of their tenancy relating to ASB/causing nuisance. We will clarify expectation, responsibilities and consequences.

14.3 Mediation/restorative justice

- 14.3.1 We may use external mediation organisations to help resolve disputes (with the consent of all parties).
- 14.3.2 The types of situations they can assist with include, but are not limited to, noise, youth nuisance, pets, rubbish, shared space and neighbour disputes.
- 14.3.3 The Mediation Service can also deliver a restorative justice service. Restorative justice can bring victims harmed by ASB or conflict together with those responsible for the harm, to communicate. This can enable everyone affected to play a role in repairing the harm and finding a positive way forward.
- 14.3.4 We will pass residents' details to the Mediation Service, to discuss the benefits with the parties and assist them in resolving their dispute.

14.3.5 The Mediation Service can also work with young people to help them understand the impact of their behaviour within communities and reduce incidents.

14.4 Activities for young people

14.4.1 Young people can sometimes be profiled as causing ASB, sometimes unintentionally, i.e. not understanding that loitering in public spaces can be perceived as intimidating to others.

14.4.2 Neighbourhood Management is committed to providing opportunities for young people, to help challenge some of these behaviours and provide a platform for young people to engage and find new interests, including activities such as:

- Youth clubs on estates (*in partnership with Community Safety Serious Youth Violence, Detached and Outreach Team and other specialised partners*)
- Indoor tennis
- Cricket
- Boxing
- Football

14.4.3 We will utilise and promote the use of activities for young people and can link these activities with the use of Acceptable Behaviour Agreements and Parenting Contract Agreements.

14.5 Designing out Crime/ASB – estate action plans

14.5.1 Where there are instances of ASB activity on an estate or specific area, we will carry out joint visits with residents and other relevant partners to identify improvements, repairs and additional security that may benefit an estate / area. We will work closely with Police who can support in developing Design out Crime reports.

14.5.2 We will aim to identify physical improvements to estates/areas to help reduce ASB and tackle issues specific to estates, for example, mopeds in pedestrianised areas, congregating in stairwells, smoking and drinking.

14.5.3 We will develop a tailored estate action plan to review with residents periodically, ensuring we progress all actions until the situation is resolved.

14.6 Warnings

14.6.1 Written or verbal warnings can be issued to challenge unacceptable behaviour.

14.6.2 We use warnings to remind residents of their obligations under their tenancy/lease and will set out the specific clauses/ conditions which have been breached.

14.6.3 When issuing warnings we will clarify issues, advise the individual we are monitoring their behaviour and warn them further enforcement action may be taken if their behaviour continues.

14.7 Acceptable Behaviour Agreement (ABA)

14.7.1 An ABA is a non-legally binding written agreement. We will use an ABA to engage an individual, to acknowledge their behaviour and the effect on others.

14.7.2 The agreement will be signed by the individual, Neighbourhood Management and other agencies who are involved in monitoring the agreement, such as Police, Community Safety or Social Service. It can be signed by people 10 years and over.

14.7.3 ABA's will be signed for a period of 6-9 months, with review dates during this period to monitor a person's compliance. To monitor this, we will work closely with the involved partners and the complainants involved in the case.

14.8 Parenting Contract Agreement (PCA)

14.8.1 A Parenting Contract is a written agreement made with parents of children under the age of 18, used to address the behaviour of a child that they are responsible for.

14.8.2

14.8.3 The contract places the emphasis on the parent(s) to address the child's behaviour with the support from relevant agencies, to prevent the child from becoming involved in further ASB.

14.8.4

14.8.5 Similar to the Acceptable Behaviour Agreement, Neighbourhood Management will sign the contract with the parent(s) and any relevant agency involved in the support and monitoring of the behaviour.

14.9 Good Neighbour Agreements (under grade 4 cases)

14.9.1 There may be some instances not deemed antisocial or criminal, but nonetheless causing concern for residents.

14.9.2 This can be used between neighbours to highlight certain behaviour that is unintentional but is causing a nuisance and affecting other residents. It is an agreement which will state the behaviour and agree actions to prevent this from continuing. This is not a legal document and if a resident does not stick to it, there are no legal tools that this will trigger. However, we will work to try and seek a suitable alternative intervention.

14.9.3 Being a good neighbour helps those living in close proximity to enjoy their home and live in comfort. It includes being considerate, reasonable, and also tolerant of people's different views and lifestyles. One of the most common things we deal with as a complaint which we cannot take enforcement against is noise.

14.10 What the resident can do

When at home, please think about the following:

- Keep device volumes at a reasonable level.
- Not slamming doors.
- Avoid using noisy appliances late at night, such as the washing machine or a clothes dryer.
- Being mindful of pets and barking.
- Clean up any mess made by your pets.
- If you are planning to do anything in your home that may cause additional noise (*i.e. a one-off party or DIY*) please let your neighbours know in advance.
- You are responsible for all your visitors, so please make sure they are acting in a considerate manner, especially if they are leaving late at night.
- Park your car considerately and don't block other cars in or emergency bays.
- Keeping hallways, communal areas and gardens clear of items or rubbish.
- Dispose of rubbish in correct bins provided.
- Not smoke in communal areas and dispose of your cigarette ends safely.

14.11 What the council can do

14.11.1 If residents are unable to rectify the situation between them, then the Council can assist further with the situation, including the following:

14.12 Emotional Support

- 14.12.1 Where residents are feeling affected by the nuisance, we will work you to understand the impact this is having and refer you to potential agencies that may be able to support you. This may include a referral to mental health, your GP or our internal Tenancy Sustainment Team.
- 14.12.2 There are a number of organisations who can assist residents with advice and practical advice about how to facilitate a conversation with you and your neighbour. We can also speak to you about having a conversation with your neighbour and how to approach this - <https://asbhelp.co.uk/tackling-the-problem/>
- 14.12.3 If you already have support agencies involved, we will work with them to agree the best way to support you.

14.13 Agreeing improvement works

- 14.13.1 Where there are improvements that need to be made, residents will be notified of this. There may be a potential cost to residents for things such as laying of carpet or new flooring. But we will work with residents on a case-by-case basis and seek support where possible.

14.14 What we're unable to do (nuisances)

- 14.14.1 We are unlikely to be able to support unless both parties are actively engage in finding a solution.

- 14.15 Low level 'Nuisance' which does not breach the tenancy agreement may mean we are unlikely to take legal action.

15 Legal remedies tools and powers available

- 15.1 ASB that is evidenced is considered a breach of tenancy. In some cases Housing Management may seek to end the tenancy of the responsible party.
- 15.2 We will use legal remedies where non-legal action is not appropriate, proportionate or fails to resolve ASB. The various legal options we may pursue are set out below.
- 15.3 **Possession (eviction) proceedings**

- 15.3.1 We will consider applying to the court for possession where early intervention is unsuccessful in resolving ASB and/or alternative remedies are not suitable.
- 15.3.2 The County Court can issue:
- Suspended court orders on terms
 - Outright possession court orders
 - Warrant of eviction
 - **Mandatory Ground for Possession:** The ASB Crime & Policing 2014 Act introduced an absolute ground for possession for secure/fixed term secure tenancies, where some instances of antisocial behaviour or criminality has been proven by another court.
- 15.3.3 Where we have evidence to proceed with eviction on mandatory grounds, we may seek to do so through the courts, if this is reasonable and proportionate.

15.4 Injunction

- 15.4.1 A civil order which can be granted against an individual aged 10 or over (and can include a power of arrest). An injunction is designed to stop or prevent individuals from acting antisocially, it can help us relieve a situation before it escalates and can also be used at the same time as applying for Possession.

15.5 Criminal Behaviour Order

- 15.5.1 An order issued in the criminal courts which can be granted against an individual aged 10 or over upon conviction of a criminal offence, to tackle those who persistently engage in criminal antisocial behaviour.
- 15.5.2 Orders can be applied through the Crown Prosecution Service and can be sought at the request of the Council or police.

15.6 Legal undertaking

- 15.6.1 An undertaking is a legally binding promise to a court that holds the same value as an injunction but without a power of arrest attached. We will accept an undertaking upon advice of legal representatives, where it is appropriate and proportionate to do so.
- 15.6.2 We may consider accepting undertakings from perpetrators of antisocial behaviour as an alternative to an injunction.

15.7 Community Protection Warning (CPW) and Community Protection Warning (CPN)

15.7.1 We may issue a Community Protection Warning to a person aged 16 or over, who is committing anti-social behaviour which is affecting the community.

15.7.2 If the behaviour continues once a CPW has been issued, we can then issue a CPN which will include a requirement to do or stop doing certain things, or to take reasonable steps to avoid further antisocial behaviour.

15.7.3 If the anti-social behaviour continues following the issuing of a CPN, this will be a breach of notice and be a criminal offence.

15.8 Premises Closure Order

15.8.1 We will work with Police and our Community Safety partners to arrange for Closure Orders where appropriate. Where our properties require formal closure as they are being used or are likely to be used to commit nuisance or disorder, this would need to be evidenced when applying to the Court for a Closure Order.

15.8.2 There is also the option of a partial Closure Order, which prevents persons entering a property other than the named tenant.

16 Case Monitoring

16.1 Neighbourhood Management will carry out a risk assessment during the initial report and repeat at regular intervals, when there is a change in circumstances or when incidents occur or escalate.

16.2 Throughout the case, Neighbourhood Management will agree with the complainant/victim a certain level of regular progress updates which should be a minimum of two weeks.

16.3 Neighbourhood Management will carry out a full review of each case on a minimum of a monthly basis, to ensure the ASB Officer/Neighbourhood Services Coordinator has taken all relevant and appropriate actions.

- 16.4 Where cases result in a legal order being obtained ASB Officer/Neighbourhood Services Coordinator will continue all case participants on a minimum of a monthly basis during the first six months of the order.
- 16.5 Monitoring and liaison beyond six months will be dependent upon any breaches, further ASB and individual circumstances and determined by an ASB Manager/ Neighbourhood Manager or Head of Neighbourhood Management.

17 Case Closure

- 17.1 We will notify the complainant at the point of closing the case and will send a closure letter summarising all actions taken. A complainant can still make further reports if the anti-social behaviour begins again. The case can be reopened or a new case started.
- 17.2 A complaint of ASB will be closed when:
- It has been resolved and closure has been agreed with the complainant,
 - It has been agreed by the case officer, management and any partners involved that there is no further action that can be taken within the tools and powers available to Neighbourhood Management,
 - There has been no evidence found during the investigation to substantiate the reports,
 - There have been no further reports of ASB within the previous 3 months.

18 ASB Case Review

- 18.1 The Community Trigger was introduced by The Anti-social Behaviour, Crime and Policing Act 2014 and has been relaunched under the HM Government Anti-Social Behaviour Action Plan as the ASB Case Review. It provides victims of persistent anti-social behaviour the right to request a multi-agency case review of their case where the local threshold has been met.
- 18.2 To raise an ASB Case Review you must have reported anti-social behaviour to the Council, Police and/ or a registered housing provider three times about separate incidents within the last six months, with the most recent incident having occurred in the last month.

18.3 If you would like to raise a Case Review, please contact:

Community Safety Team
Kensington Town Hall
Hornton Street
London
W8 7NX
0207 361 3000

You will need to give details of each time you've reported the Anti-social behaviour including:

- The organisation you reported to
- The name of person you spoke to
- An Incident Reference Number (if applicable)
- Date reported.
- Information about the incident

18.4 Records management

18.4.1 ASB cases will be logged, managed and reported on through our Customer Relationship Management system (CRM) and will be kept in line with data retention schedules.

19 Monitoring, review and accountability

19.1 The Neighbourhood Management Team will report ASB case management performance to:

- Tenants' Consultative Committee (TCC)
- HOMES group
- Housing Management Team (HMT)
- Quarterly local housing meetings
- Housing and Scrutiny Committee

19.2 The Neighbourhood Management Team receive regular reports on the level and type of antisocial behaviour.

- 19.3 This will be used to monitor the effectiveness of the process and ensure accountability for service delivery. The service standards set out in this policy will be used to measure performance and will be reported to relevant panels and forums.
- 19.3.1 Complainants will be asked to provide feedback/comments through service satisfaction surveys. We encourage complainants to complete this as the feedback will contribute to improving our service.
- 19.4 This policy will be reviewed at least every five years, or when legislative or regulatory changes take place that could affect it. The next review will take place by: **October 2029**

20 Equalities Statement

The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.

Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.

21 The General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018

As a directorate of RBKC, Housing Management shares the commitment to ensure that all data is:

- Processed lawfully, fairly and in a transparent manner
- Collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices
- Relevant and limited to whatever the requirements are for which the data is processed
- Accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay

- Stored for as long as required, as specified within RBKC's Records Retention policy
- Secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction or damage.

For further information about the Council's commitment to GDPR, please see the Council's website at www.rbkc.gov.uk.