

**Draft Anti-Social Behaviour Policy 2024 (subject to Consultation)**

**1. Introduction**

Fareham Borough Council's approach to tackling anti-social behaviour (ASB) is three pronged – prevention, intervention and enforcement. While often necessary, enforcement action is a last resort to be used only when other more constructive measures have been exhausted or to safeguard others in an emergency. We firmly believe that partnership work plays an important part in addressing the issues associated with anti-social behaviour and multi-agency working is engrained in the Community Safety Team's approach to tackling anti-social behaviour.

Fareham Borough Council's Housing Service is committed to reducing anti-social behaviour arising from the activities of its own tenants within its own Housing stock. We know that by improving the environment in which our residents live we will create a brighter future for communities across Fareham.

**2. Aims**

This policy sets out Fareham Borough Council's view of what ASB is, what our service standards are and what we want our services to achieve for victims and witnesses of anti-social behaviour. In particular, the aims of this policy set out how the Council will deal with ASB in Fareham by:

- Taking effective and prompt action to deal with severe and/or persistent anti-social behaviour
- Encouraging residents to report anti-social behaviour by promoting a tailored victim focussed service.
- Set realistic expectations in relation to how the Community Safety Team and Housing Team can deal with anti-social behaviour and what types of ASB the team will deal with.
- Provide support and advice to victims of anti-social behaviour.
- Ensure a partnership approach is taken to tackle anti-social behaviour and support initiatives to prevent ASB from occurring

How we will deal with ASB on a day-to-day basis is set out in our ASB Procedure below, which sets out a 6-stage process to deal with anti-social behaviour. This

process is designed to be flexible, victim centred, and will enable officers to use their discretion in using the procedure flowchart to achieve the best results for customers.

### **3. Tackling Anti-Social Behaviour at Fareham Borough Council: An Overview**

#### **Fareham Borough Council's powers to deal with ASB**

##### **Our Role as a Social Landlord**

The Anti-Social Behaviour Act 2003 sets out powers that the council has to deal with ASB issues affecting the properties managed by Fareham Borough Council. As a landlord, we have different duties and powers to those we have to deal with ASB in the wider community. We also have powers under the Housing Act 1985 and Housing Act 1996. The powers we can use and in which circumstances are set out in the ASB Procedure document. The new Consumer Standards within the Social Housing (Regulation) Act 2023, in particular, the Neighbourhood and Community Standard, brings a requirement for Registered Providers to work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing

##### **Our Role as a statutory member of Fareham's Community Safety Partnership.**

The Crime and Disorder Act 1998 provides that as a Local Authority we must work in partnership with the police and other agencies, such as Probation and Health Authorities, to reduce crime and disorder in Fareham. This work is guided through Fareham's Community Safety Partnership and its response to the annual strategic assessment. The Anti-social Behaviour, Crime and Policing Act 2014 provided powers to deal with ASB swiftly.

### **4. Definition of Anti-Social Behaviour**

Anti-social behaviour can mean different things to different people and there is no one single definition of anti-social behaviour.

When assessing whether a case should be fully investigated, Fareham's Community Safety Partnership definition of ASB will be applied, which is as follows:

*“Conduct that has caused, or is likely to cause harassment, alarm or distress to any person”.*

## **5. The Council’s Approach**

The Community Safety Team and Housing Team will treat people fairly and equally and ensure that a proportionate and reasonable approach is taken to any action taken to resolve anti-social behaviour.

The teams use a variety of approaches to intervene as early as possible, resolving issues before they become major problems. Early intervention could include Warnings, Mediation and Acceptable Behaviour Contracts (ABC’s).

The Community Safety Team will only become involved in those cases where evidence is provided to demonstrate that an issue is of a persistent and significant or serious nature. Before the Community Safety Team are involved it is expected that the Housing Team will have attempted to resolve any issues through the Tenancy agreement. The Community Safety Team reserves the right not to investigate a case where there is evidence that the complainant is being unreasonable, vexatious or vindictive. In these circumstances, the complainant will be advised of this assessment and the reasons.

When deciding on what action to take, the Community Safety Team will ensure that any action, particularly when considering legal action, is both reasonable and proportionate, taking into account all the facts of the case. There will often be difficult decisions for the Council to make and at times, this may mean that the action we take is not considered adequate by the victim/witness. However, officers will explain the reasons why decisions have been made in all circumstances. The team will take into consideration views of those involved in the case. It will however be the Council’s decision regarding what action is or is not taken.

### Categories of Anti-Social Behaviour

Whilst the term Anti-Social Behaviour covers a broad range of issues, the Community Safety Team focuses on the most serious types of anti-social behaviour. Fareham Borough Council believes that everyone has a right to enjoy their homes

and are entitled to go about their daily lives without having concerns that complaints will be made against them. It is important that individuals show tolerance and be respectful of differing lifestyles and circumstances.

Anti-Social Behaviour issues the Community Safety Team will investigate:

- Noise – with colleagues from Environmental Health who can also be contacted out of hours.
- Threatening behaviour
- Drug related issues (which cause significant ASB)
- Problematic visitors (those of Fareham Borough Council Housing tenants only)
- Hate crime – racist, homophobic etc.
- Serious Violence
- Verbal abuse
- Vehicle Nuisance (vehicles being driven/ridden in an anti-social manner)
- Offensive communication (in cyber bullying)
- Exploitation /cuckooing/Hate Crime
- Criminal damage
- Street drinking
- Aggressive Begging

Noise nuisance within Fareham Borough Council's housing stock is an issue that is regularly reported to both Housing and Environmental Health teams. For the purpose of this policy, everyday household noise will not be defined as anti-social behaviour and mitigation measures, advice, noise monitoring equipment and target hardening (changing the physical environment) put into place to resolve any noise issues. This may be undertaken with advice from Environmental Health and Community Safety.

### Hate Crime

Incidents may be against a person or a property. A victim does not have to be a member of the group to which the hostility is targeted. All reports relating to a hate incident will be responded to by the Community Safety Team within **seven** working days and the team will work in partnership with the police to resolve the issue.

## Criminal Activity

Primarily, acts of criminality should be reported to the Police. However, the Community Safety Team will support Hampshire and IOW Police to tackle criminal activity in our neighbourhoods and will take action to enforce Fareham Borough Council Housing tenancies in cases where criminal activity is linked to our properties. In some cases, whereby criminal activity is occurring, it may be appropriate that the Council leads on some of the action required to deal manage ongoing issues of criminal behaviour, for example, issuing community protection warnings and obtaining Injunctions under the Anti-Social Behaviour, Crime & Policing Act 2014.

### **6. ASB Case management**

The ASB Procedure sets out in detail how anti-social behaviour can be reported, initial response times based on risk, how reports of ASB will be assessed and how reports may progress into a case investigation. Cases will only progress if they are of a persistent and significant nature. In low level situations, complainants will be encouraged to try and resolve the situation themselves in the first instance. In most instances, perpetrators of ASB will be given the opportunity to improve their behaviour, signposted to support services, before the decision is made to take enforcement action. However, it is necessary to balance the needs of the individual against the needs of the community. If it is essential to act to protect the needs of the community, we make every effort to ensure that this is both swift and effective.

Enquiries and cases will be allocated to the Community Safety Team or, in Housing related ASB, the social housing landlord responsible for the building or tenancy where ASB is occurring will be responsible for investigating these cases. If an enquiry is progressed into a case investigation, the Officer carrying out the enquiry will lead on the case investigation and any subsequent interventions and enforcement action to ensure an effective resolution to the case.

The ASB procedure will follow six stages, which are set out below. The procedure is designed to be flexible, so Officers can skip parts of it or do things in a different order in order to protect witnesses and solve the problem, particularly as there may be occasions where an incident occurs that needs an urgent response and possibly legal action, for example violence or threats of violence.

## **Stage 1 – Initial Enquiry/Report and Assessment**

The initial enquiry is triggered upon the receipt of a new reported issue of ASB. It is designed to establish whether an initial investigation will be triggered and will provide the allocated relevant Housing Officer, if Housing related, or Community Safety Officer information to make a judgement as to how severe the complaint and whether urgent enforcement action is required. There is always an attempt to resolve issues at first contact or mitigate and signpost to support services.

The enquiry period lasts for a maximum of 4 weeks. At any point during the enquiry stage, the enquiry may be converted to a case, if the thresholds are met. If insufficient information is provided to meet the threshold to proceed with a case investigation, the enquiry will be closed, and the complainant will be advised of this.

Contact will be made with complainants within the timescales set out above. If the Officer is unable to contact the complainant after 3 attempts by telephone, a letter will be sent to encourage contact. If the complainant does not contact the Community Safety Team within 10 working days of the letter being sent, the assessment will be closed.

During this process, we expect that if we ask for the tenant to keep a record of noise disturbance to be made, that this is returned to the allocated ASB Officer and in FBC Housing cases.

At this stage the Officer will set up an Action Plan, which will be used to record the chronology of incidents, actions set and taken by the officer and other agencies, including any multi agency meetings, referrals to agencies for support, requests for information and the risk assessments. Forthcoming actions will also be recorded, e.g., when contact is due, when a new risk assessment is due to be carried out.

## **Stage 2 – Case Investigation**

If an enquiry converts into a case investigation, the Officer will update the Action Plan to state a case investigation has started and begin the evidence collation process. The Officer will ensure that they continue to engage with the

victim/witnesses involved in the case to ensure that they continue to provide information to enable the Officer to resolve the case effectively. It is important to note at this stage that a case may escalate at any time and more urgent action may be required.

When advising the victim/witness that the case is progressing to a full investigation, the Officer will offer to meet with the victim, unless the victim states they do not wish to meet in person, either at their home or a suitable location. Regardless of whether the Officer meets in person or liaises with the victim by telephone, the Officer will follow an interview plan to obtain further information, set out clear expectations, establish if there are any support needs and reassure the victim/witness. This interview plan is set out below:

#### Evidence gathering

The Officer will endeavour to gather evidence in a number of ways to support the case. This will include:

- Interviewing victims/witnesses & perpetrators
- Taking statements
- Liaising with Police regarding any reports which may have been made to them
- Sourcing any CCTV footage
- Noise Monitoring Equipment/The Noise App recordings in partnership with Environmental Health Colleagues
- Speak to other agencies through a referral to Fareham's Partnership Action Group

This process will take place over a two-month period before an initial case review is conducted. The victim/witness will be expected to continue reporting incidents through the agreed channel throughout the duration of the remainder of the case. In cases where this does not happen, the case may be closed due to lack of information.

#### **Stage 3 – Initial Case Review**

After 2 months of the case being opened, if the case has not progressed onto stage 4 or 5, the Officer will carry out a case review to establish if the case should be

closed or progressed further. This will depend on the evidence provided and if the ASB is considered to be persistent and severe.

The following actions may apply:

- No further action – case closed (stage 6).  
There are several reasons why a decision is made to close the case at this stage, for example:
- No reported incidents received.
- There is insufficient evidence to identify a perpetrator
- Evidence provided is found to be unreliable
- The complainant does not support action

If the Officer is considering closing the case, they will advise the victim/witness at the point of the 2-month monthly contact and set out why they are considering closing the case. Following the discussion, the ASB Officer will make a decision to close or monitor further and advise the victim/witness how long they will monitor for. This should be for no longer than one month. If there are still no opportunities to progress the case, the officer will discuss closing the case with the relevant Manager.

While all ASB reports that progress to a case investigation will be investigated fully, there may be cases where there is little action that we can take in response to a complaint. For example, if there are counter allegations and no supporting evidence from either party.

#### ASB is continuing

The ASB Officer will continue with Stage 4. Cases will continue to be reviewed monthly after this point. If there are no reported incidents for a 4-week period or the incidents have reduced significantly in persistence and severity so that they no longer meet the threshold, the Officer will consider closing the case and will discuss this with the victim at the next monthly contact, setting out why they are closing the case.

#### **Stage 4 – Interventions**

The Community Safety Team will use a range of interventions to try to put a stop to ASB and these will often be used in the first instance. As each case is different, we are committed to finding the most appropriate intervention for the relevant case.



However, a few of the most commonly used interventions are outlined below for the purposes of reference:

- Verbal warnings/Words of advice
- Warning letters
- Mediation
- Acceptable Behaviour Contracts
- Good Neighbourhood Agreements

A full range of interventions available are available in the toolkit of options below. If these interventions do not curtail the ASB, the case will be considered for legal action. However, insufficient evidence can threaten the success of legal action and lead to an inefficient use of finite resources.

### **Stage 5 – Legal Remedies**

The Community Safety Team acknowledges the significance of enforcement action in reducing anti-social behaviour. However, reasonableness and proportionality will be at the forefront of any legal action that is considered. The Community Safety Team will, if necessary, seek advice from the Council's legal team before taking the decision to proceed with legal action, to ensure that it is an appropriate, reasonable and proportionate step to take.

For all cases that persist and where alternative solutions have proved ineffective, legal action will be considered. In cases that require urgent action to safeguard individuals or the wider community, enforcement action will be taken as a matter of urgency.

The use of legal action will be decided by the Council. In almost all but the most serious of ASB cases being considered for ASB related enforcement action, the case will first be referred to Fareham's Partnership Action Group, a monthly consultation panel at which proposed ASB related signposting, support and enforcement is discussed and agreed.

The types of enforcement that will be considered:

- Legal Warning letter / Letter Before Action
- Acceptable Behaviour Contract

- Civil Injunctions with or without a Power of Arrest attached
- Closure Orders
- Community Protection Notices
- Criminal Behaviour Orders
- Undertaking

For persistent area-based issues, a Public Space Protection Order may be considered. In addition, the following will apply to Fareham Borough Council Housing tenants:

- Demotion of Tenancy
- Notice of Seeking Possession (NOSP) or Notice of Proceedings of Possession in cases of Introductory Tenancies
- Possession Orders
- Notice of Seeking Possession on Absolute Grounds

External factors beyond the control of Fareham Borough Council can impact the progression and speed of cases, for example the availability of court dates. Any delays will be communicated appropriately to the victims and witnesses.

### **Stage 6 – Case Closure**

The accompanying Anti-Social Behaviour procedure is designed to ensure that cases are not open for longer than necessary. However, it is important to ensure cases are closed appropriately. Cases will only be closed with the approval of Case Officer's manager. Cases may be closed during any stage of the procedure due to one of a number of factors, including:

- Lack of co-operation from the victim/witness.
- Establishing the incident did not take place.
- Determining the issues reported are not considered by the ASB Team as anti-social behaviour.
- Not having enough evidence to prove the matter to the relevant standard of proof.
- The anti-social behaviour has stopped and risk of further ASB is low.

Officers will ensure they communicate to the victim/witness when a case will be closed and the reasons why. The rationale for case closure will be recorded in the case action plan.

## **7. Victim and Witness Support**

The support for victims and witnesses of anti-social behaviour will vary, depending on the type of anti-social behaviour they are experiencing. The Community Safety Team will also make referrals to other support agencies, as and when required.

Once an enquiry has converted into a case, the following service offer will be in place for victims and witnesses:

- There will be one point of contact for the victim or witness throughout the process of resolving their complaint.
- Regular feedback regarding the progress of their case will be provided – officers will update victims and witnesses at least once a month.
- Full support will be provided, including providing an escort and pre-meet for any court hearing will be given.
- That the homes of victims will be assessed for additional support and safety measures.

## **8. Vulnerable Perpetrators**

We acknowledge that the vulnerabilities of some residents contribute to behaviour which is classed as anti-social to those around them. These vulnerabilities include, but are not limited to, mental health issues, learning difficulties and substance misuse.

In cases where vulnerable perpetrators are involved, we will work closely with various support agencies with the aim of improving the behaviour of a tenant. Compliance with legislation such as the Equalities Act will be factored into any action taken. If it is felt that the tenant in question cannot sustain a general needs tenancy, we will advocate relocating them to more suitable accommodation. The Community Safety Team and Housing Team regularly make referrals to a range of support services, including the Community Mental Health Team, Domestic Violence Support, and treatment providers for substance misuse and will work alongside partner agencies to ensure appropriate support is provided. Understanding that a coordinated multi-agency approach is often needed, cases will be referred to the Partnership Action Group to facilitate joint working and ensure a co-ordinated multi agency approach.

There are also other registered social housing providers operating in the Borough of Fareham. They all have their organisation's policies and procedures relating to anti-social behaviour.

## **9. Reporting Incidents of Anti-Social Behaviour**

Victims and witnesses can report via the following methods:

- Tel 01329 236100
- Reporting via online form [link](#)
- In writing – Community Safety Team, Fareham Borough Council, Civic Way, Fareham PO16 7AZ
- [Reporting to Hampshire & IOW Police](#)

## **10. Working in Partnership**

Fareham Borough Council recognises the importance of partnership working, both with other agencies and residents and will ensure that partnership is factored into the management of cases. It may be more appropriate for other agencies to take the lead in cases at times; however, the Community Safety Team will take the lead and appropriate action when necessary.

An important element throughout all stages of the Community Safety Team and Housing Team's approach is working in partnership with both internal and external agencies. As stated above, the team will work with support agencies and those with an enforcement role, such as Hampshire and IOW Police and Environmental Health and, if appropriate, will refer the case to a multi-agency problem solving group for further problem solving.

## **11. Information Exchange and Confidentiality.**

- Information Sharing  
Fareham Borough Council's Community Safety Team is signed up to Fareham Community Safety Partnership's Information Sharing Protocol. Officers are trained to have a solid awareness of these procedures to ensure legal and safe sharing of information. It may be necessary to share information as part of the Team's investigations: this process will be used to facilitate this sharing of information.

- All Fareham Housing tenants have been issued with a Data Protection statement which provides information on why and how their data is shared.
- The Community Safety Team and Housing Team ensure that all data handled by the teams are:
  - Collected for a specific and legitimate purpose and is not used for anything other than this stated purpose.
  - Processed lawfully, fairly and in a transparent manner.
  - relevant and limited to the requirements for which the data is processed.
  - accurate and kept up to date, with any identified inaccuracies amended or removed without delay.
  - Stored for as long as required, in line with Privacy Notices.
  - Secured using appropriate solutions, which protect against unauthorised or unlawful processing.

## **12. ASB Case Review**

The ASB Case Review is a means by which victims of persistent anti-social behaviour can request a review of their case. Once the ASB Case Review process has been requested the relevant agencies, which may include the local authority, police, health providers and/or social housing, will work together and decide whether any further action can be taken to resolve the issue.

The criteria set in Hampshire is;

- have experienced three incidents as an individual in the last six months;
- be five individuals in the local community who have separately reported similar incidents, where you all feel dissatisfied with the action taken and all agree that they want to raise the case review.

Each of the incidents need to have been reported within one month of them taking place and you must apply for case review within six months of the latest incident. The victim can be a business, individual or a community group.

The ASB Case Review cannot be used to make complaints against individuals who have worked on cases as the Council has a separate complaints process.

### **13. Equality and Diversity**

The Equality Act 2010 provides people with a protected characteristic protection from direct or indirect discrimination, harassment or victimisation. This policy is designed to be inclusive, regardless of protected characteristics, and the service provided by the Community Safety Team is designed to meet a range of different needs of those who use our service and those whom action may be taken against.

When considering and taking legal action against anyone involved in anti-social behaviour or introducing a Public Space Protection Order, the Council will ensure that it complies with its Public Sector Equality Duty. The officer dealing with the case will carry out an Equality Act Assessment to demonstrate, amongst other things, that any protected characteristic the perpetrator(s) may have, whether they have any support services in place and whether the proposed action is a proportionate means of achieving a legitimate aim has been taken into consideration by the Council and to ensure that the legal action proposed is a proportionate, reasonable and appropriate response to the anti-social behaviour committed.

### **14. Legal Framework.**

This policy has been informed by the legal and regulatory framework for tackling anti-social behaviour, including:

- Anti-Social Crime and Policing Act 2014
- Housing Act 1985
- Housing Act 1996
- Crime & Disorder Act 1998
- Equality Act 2010
- Human Rights Act 1998
- Anti-Social Behaviour Act 2003
- Data Protection Act 2018
- Social Housing (Regulation) Act 2023

## ASB Procedure flowchart

