



City of  
**Stoke-on-Trent**

# **Anti-Social Behaviour**

## **Cross Tenure Policy**

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## 1. Purpose

1.1 Stoke-on-Trent City Council (the council) understands the impact that Anti-Social Behaviour (ASB) can have on residents and communities. The main aim of this policy is to ensure that not only our tenants, but all residents in the city, are able to live in safe and well-maintained neighbourhoods and feel safe in their homes. This policy sets out a broad framework for how the council will respond in utilising all available tools and powers to tackle issues of ASB.

1.2 The following principles underpin our ASB service:

- The council will take prompt and appropriate enforcement action to address ASB, considering the full range of restorative, non-legal and legal powers that are available. Where the council does not feel that it has the most appropriate tool to solve the problem it will identify this promptly and refer to another service provider where appropriate to do so.
- The council recognises that ASB can rarely be tackled effectively by a single team and/or single organisation. The council will identify cases which require a partnership approach and will work with these partners to deter and tackle ASB.
- The council adopts a harm centred approach to ASB meaning that it considers both the behaviour type and the impact that the behaviour is having when managing a case.
- The council works to ensure that ASB is easy to report to us and that residents are encouraged and supported to do so. The council proactively makes residents aware of processes available to them to raise concerns, including the local ASB Case Review.
- The council works fairly with those reporting ASB. The council triage and categorise reports at the earliest stage, are transparent about our processes, make prompt and informed decisions, and communicate these clearly. Where appropriate to do so it will empower and support residents to help them find their own solutions.
- Our processes work to help us identify risk and vulnerability in relation to those suffering ASB and those who are causing this harm. The council has clear pathways to safeguarding, health and other support services.
- The council aims to work fairly with those responsible for causing ASB, giving them opportunity to amend their behaviour before taking formal action unless it is not proportionate and appropriate to do so.
- The council provides information to inform the strategic assessment.
- The council uses feedback arising from processes including service complaints, ombudsman enquiries, satisfaction surveys and ASB case review findings to continually review and improve the services that it offers.
- To provide services that follow the principles and deliver on the commitments set out in our Tenants' Charter.

- Ensure the statutory and regulatory responsibilities set out by the Regulator of Social Housing are met, in particular, the Neighbourhood and Community Standard.

## 2. Scope

- 2.1 This policy applies to the way our ASB service addresses all reported incidents of ASB whether occurring in areas where the council provides social housing, other residential settings, a non-residential setting or matters that affect our housing management function.
- 2.2 This policy also applies in situations where a party to an ASB report is a council employee or contractor. The council believes that its employees and contractors should feel safe at work, free from ASB. We will take prompt, robust and proportionate action against anyone who acts in a manner causing nuisance, annoyance, alarm or distress.
- 2.3 There will be occasions where the council is not the best agency to lead on managing a case of ASB.

Examples include but are not limited to:

- Where a report includes a potential statutory nuisance and is referred to our environmental health team for investigation
  - Where one or more party in an ASB matter is a tenant, household member or visitor of another social housing provider property.
  - Where the person alleged to be causing the harm is a tenant or household member of a private landlord
  - Where the issue complained about is of a criminal nature, where the council has insufficient powers of investigation or enforcement.
- 2.4 In scenarios like these, and in order to bring about a better co-ordinated response, the council may refer the matter to the partner team/agency to lead on. Our decision as to whether the council leads on the management of a case or refer to another agency/team will be determined on a case-by-case basis. This, however, is underpinned by the following considerations:
    - Ensuring that the more appropriate team/agency is identified quickly, and referrals made promptly.
    - That the council is clear and transparent with the person reporting the harm, informing them who the lead agency/team is and their point of contact.
    - Ensuring that reducing the harm being caused remains the main priority.

- That the council is not simply passing the problem on to another team/agency without ensuring they have the tools and powers available to effectively intervene.

2.5 The council recognises that it has tools and powers that some of our partners do not. For example, our local registered providers (Housing Associations) do not have access to the Community Protection Notice (unless the council provide them delegated authority) or the Closure Powers. Where these are identified as the most suitable tool to resolve a problem, we will work with these partners to agree an action plan setting out clearly our respective roles and responsibilities.

### **3. Legal and Regulatory Framework**

3.1 This Policy has been informed by the legal and regulatory framework for tackling ASB including (but not limited to):

- Anti-Social Behaviour, Crime and Policing Act 2014 and associated statutory guidance.
- Anti-Social Behaviour Act 2003
- Crime and Disorder Act 1998
- Housing Act 1985
- Housing Act 1996
- Data Protection Act 2018 and UK GDPR
- Environmental Protection Act 1990
- Equality Act 2010
- The Social Housing (Regulation) Act 2023
- The Regulator of Social Housing's Consumer Standards and Code of Practice
- The Home Office ASB Principles

3.2 This policy also links to local strategy and policy, including (but not limited to):

- The ASB Case Review process
- The One Staffordshire Information Sharing Agreement
- Terminating an Introductory Tenancy (This includes how to end an introductory tenancy or notice relying on the absolute ground)
- Allocations Policy
- Tenancy Policy
- Unacceptable Behaviour and Complex Customers and Cases Policy
- Safeguarding (adults, children etc)
- Hate crime
- Domestic abuse
- Vulnerability and Reasonable Adjustment Policy

## **4. Equalities Statement**

- 4.1 The council is committed to positively contributing to eliminating discrimination, advancing equality of opportunity and fostering good relations between residents who have a protected characteristic and residents who do not, when providing these services.

In dealing with ASB, the council seeks to ensure that everyone receives a high-quality service. This policy has been designed to be fully inclusive and an Equality Impact Assessment has been completed to inform the Policy.

From time to time, the council may ask customers to provide details of their gender, age, religion, disability, ethnicity and sexual orientation in line with the protected characteristics identified within the Equalities Act 2010 to help to deliver more effective, appropriate and inclusive policies and practices. Data is used only for monitoring purposes and will be anonymised and kept securely.

The council aims to provide high quality services that are designed to meet a wide range of different needs in the community and will regularly review them to ensure that no customers are disadvantaged.

In addition, the council will make reasonable adjustments to our approach where it believes appropriate to a particular case and/or individual.

The council will undertake an Equality Act Assessment before deciding whether to take any form of legal action against an individual whom it is believed may have a protected characteristic. This is to ensure that the council fulfils Public Sector Equality Duty and other responsibilities under the Equality Act 2010, as well as being satisfied that the action proposed is necessary and a proportionate means to a legitimate aim.

## **5. Policy Detail**

### **What is ASB?**

- 5.1 The council uses the definition of ASB which is found within Part 1 of the ASB, Crime and Policing Act 2014, which states:

“Anti-social behaviour means:

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or
- (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.”

- 5.2 Housing-related nuisance or annoyance means behaviour that impacts on our responsibilities as a social housing landlord. For example, it may be a case where one or more of our tenants are involved, or where a non-tenant is causing ASB towards an employee.
- 5.3 The test for non-housing related ASB will be dependent on where the behaviour has taken place. In the simplest terms, where the behaviour is occurring in a residential setting then (b) applies. Where it is not, (a) applies.
- 5.4 This statutory definition of ASB is broad, covering a wide spectrum of behaviours. Due to its subjective nature, and the fact that every person has different tolerances, perceptions and expectations in relation to appropriate conduct, the council will also apply a reasonableness test when determining whether a report meets the threshold to be considered ASB for the purpose of this policy.
- 5.5 The council will make the decision on reasonableness by taking a harm centred approach that considers the circumstances of the particular report received, including (but not limited to) severity, impact, frequency, duration, when it is occurring, intent and the needs of all parties involved.
- 5.6 The council will take prompt and appropriate action where ASB is identified and will consider a full range of restorative, non-legal and legal powers in order to do so.
- 5.7 Given this case specific approach, it is not possible to provide an exhaustive list of what is and what is not ASB. However, the following examples are behaviours that the council are unlikely to consider to be ASB:
- Household maintenance (e.g., DIY repairs or gardening) occurring at reasonable times.
  - Noise generated by reasonable living activities, including the use of domestic appliances and walking on laminate flooring.
  - Cooking smells
  - Young people playing
- 5.8 Unless considered serious/high-risk, the council is unlikely to intervene where there has only been one incident of ASB occurring. Instead, it may provide advice or guidance to try to educate and build tolerance and understanding, reducing the risk of repetition.



## Neighbour Disputes

- 5.9 The council considers a neighbour dispute to be a situation where two or more parties, often living in close proximity, are involved in an argument which has resulted due to differing views or opinions. Recognising that many such incidents will be reported as ASB, if when the situation is considered as a whole, there is no victim and no perpetrator then the issue/s in dispute does not meet our definition of ASB, and it will not be considered under this policy. In reaching this decision all cases will be reviewed using a harm centred approach.
- 5.10 To ensure that matters do not escalate, the council may refer parties to mediation, provide advice and guidance or make any necessary referrals, however, taking these actions will be done outside of this policy and with the objective of fostering good relationships.
- 5.11 The exception to this may be where the neighbour dispute is impacting on our neighbours/the wider community. In this instance, those directly involved in the dispute will both be considered to be causing harm, with the wider community being the victim of this harm. Action may, therefore, be taken against all parties involved in the dispute.

### Where the council decides a report is not ASB

- 5.12 The council will assess every ASB report that it receives to determine whether it meets our definition of ASB. Where it does not, the council commits to the following:
- Ensuring this is an informed decision and not one made from assumption or bias.
  - Clearly explaining this decision (and reasons for it) to the person/s making the report and providing information on what other actions the council may take.
  - Giving consideration as to whether the council can assist in alternative ways, such as providing advice and guidance, signposting to relevant services, referring the matter to mediation etc.
  - Consider how the issue can be managed through other related policies, for example the Tenancy and Estate Management Policy.
  - Offering information about how the resident/s can raise concerns if unhappy about our decision.

### Categories of ASB

- 5.13 When the council receives reports of ASB, it is reviewed by a duty ASB Officer who categorises them based on severity (assessed on the type of behaviour exhibited and the harm being caused) and creates a case. This is to ensure that the most serious cases are prioritised and can be acted upon quickly to

protect those most at risk. Where appropriate further information may be sought from the complainant in order to fully assess the level of risk. The table below gives details of the types of behaviour that fall under our categories and the response times that relate to each.

Case Severity	Examples of Behaviour	Response time
High Risk	Threats of violence, actual violence, Hate Crime (see below) or matters where the information received at initial report suggests the victim has high levels of vulnerability.	Contact with the complainant will be attempted within 1 working day of the report being received by the ASB team.
General ASB	All forms of ASB that are not categorised as high risk.	Contact with the complainant will be attempted within 5 working days of the report being received by the ASB team.

### Hate Incidents/Crimes

- 5.14 The council uses the following definition for the purpose of hate crime: “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 disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity”.
- 5.15 The council will consider reports of this nature in line with the ASB policy and procedure, where they meet our definition of ASB, and it is appropriate to do so. The council also has a separate Hate Crime Policy, which should be referred to for further details on how we manage these types of incidents. This should be read in conjunction with this policy.

### Domestic Abuse

- 5.16 The council recognises that there will be times where reports that are made to the ASB team, are acts of domestic abuse occurring in a household. Where this is the case the ASB team will ensure referrals are made promptly to relevant partners and support agencies.
- 5.17 In these situations, the council will:
- Encourage professional curiosity and a robust triage and assessment process at first report, identifying cases which could involve domestic abuse.

- Ensure that we are sensitive to these issues, and do not inappropriately label a victim/survivor of domestic abuse as a perpetrator of ASB.
- Work to support victims/survivors of domestic abuse through appropriate referrals.
- Consider the use of ASB legislation to act against the perpetrator, if appropriate

5.18 All action taken will be done so in conjunction with the council's Domestic Abuse Policy.

#### **Risk and vulnerability**

5.19 The council recognises that victims may be vulnerable for a number of reasons, including, but not limited to, their age, mental and/or physical health, proximity to and/or frequency of the ASB, whether the ASB is targeted at them directly, where the ASB is affecting them and whether they live alone and/or have a strong support network.

5.20 A risk assessment will be completed by the case officer once they have conducted an interview with the complainant and have full details of the case. The outcome of this assessment will determine whether the risk is low and can be managed by the officer or whether support referrals and/or a partnership response is required.

5.21 The council understands that a person's vulnerability is fluid and may change during the course of a case. Due to this the officer will continue to review the risk assessment during the course of the case and take necessary action if the risk level increases.

5.22 The council also understands anyone suffering ASB, whether vulnerable or not, should expect the following level of service from us:

- Being clear about the types of actions that the council may be able to take as well as any limitations. The council aim to always treat people fairly and manage expectations appropriately.
- Ensuring the reporter has a point of contact and contact details for that person.
- Maintaining regular contact with the reporter to update them on the progress of their case (within the realms of confidentiality)

5.23 The council will always try and deal with problems through informal means, however, legal action will be taken in certain situations, such as where the harm that is being caused is high, or where attempts to deal with the matter using non-legal tools have been unsuccessful. To be able to take legal action the council requires evidence and often this must come from residents. The council appreciates that this can be very daunting and aim to make the witness feel as comfortable and supported as possible throughout.

5.24 The types of support that the council will offer (where available, appropriate and wanted by the witness) includes:

- Practical advice on Court etiquette, roles of the people involved and likely form that the hearing will take – this may include asking our legal representative to discuss the matter with the witness.
- Pre-Court visits to familiarise the witness with the environment.
- Practical support to help the witness get to the hearing without detriment.
- Providing full details of Court outcomes and next steps

#### Support for those causing harm

5.25 Whilst the council does not believe those causing ASB should use vulnerability as an excuse for their behaviour, it does recognise that vulnerabilities can exacerbate issues of ASB and that offering support to try and address these can be beneficial to all parties involved.

5.26 People causing harm may be vulnerable for a range of reasons, including but not limited to mental and/or physical health, or substance dependency. The council recognises that long-term resolution of behavioural concerns, and improved standard of life for all parties, is best achieved through trying to help the person causing the harm access support.

5.27 The council also recognises that people causing harm may also be victims. For example, it may receive reports of ASB that are symptoms of a tenant or resident being exploited. The council uses professional curiosity to ensure that it diagnoses a problem accurately and identify situations like this, allowing it to consider what action is most appropriate to reduce harm to all victims in a case, including the exploited party.

5.28 Council officers will consider the needs of those causing harm at all stages of a case and will decide whether the council can offer any further support or whether a referral should be made into a support agency or multi-agency group. This will be determined based on whether the support is necessary and available.

5.29 The following principles will be considered in all cases of ASB where the person causing the harm has support needs:

- The council will carefully balance the needs of all parties in a case, with the ultimate aim of trying to prevent the ASB that is being caused.
- Support needs will not delay necessary action and a twin track approach of enforcement and support being undertaken at the same time will usually be followed.

- If support is not available or the perpetrator does not meet the threshold to receive it, this should not delay the necessary action being taken to stop the ASB and protect the victim.
- Needs will be continually assessed throughout the case and repeated referrals or offers of support will be made if necessary and appropriate.
- A perpetrator's refusal to co-operate with support (including disguised compliance) offered should not delay the taking of action necessary to stop the ASB and protect the victim/s.

### Partnership Working

5.30 The council recognises that effectively deterring and tackling ASB can rarely be achieved by one team and/or one agency alone. The council works with a wide range of key partners to address ASB, including but not limited to:

- Community Safety teams / Locality teams.
- Private Sector Housing team.
- Social Care.
- Environmental Health team.
- Police.
- Private Sector Landlords.
- Other social housing providers registered housing providers.
- Fire and Rescue Service.
- Voluntary Organisations.
- Residents Associations and Community Groups.
- Local schools.
- Youth Offending and Probation Services.

5.31 When working in partnership the council aims to:

- Ensure that all relevant partners have access to any information the council holds (and are legally able to share) about harm and risk.
- Use this information to inform an accurate assessment of risk and prioritisation.
- Identify a lead agency.
- Create a partnership action plan which clearly sets out actions, timescales and responsible person/s.

5.32 The council facilitates and contributes towards partnership working in several ways, including but not limited to:

- Attending relevant multi-agency meetings which relate to individuals, hotspot areas/targeted projects, linked areas of community safety, such as child exploitation, and resident meetings.
- Arranging professional meetings for individual cases
- Having regular one-to-one conversations with partners
- Making referrals where necessary

### Residents and Communities

- 5.33 The council considers those people reporting and experiencing ASB to be a key partner in our attempts to deter and tackle ASB. The council believe that involving residents ensures that it can take prompt and effective action, creating more positive outcomes.
- 5.34 The council also believes that residents (including those working in our area), can positively contribute to reducing levels of ASB. It expects all residents living and working in our area to act in manner akin to being a good citizen; being mindful of the way their behaviour may impact upon others and being open to compromise if it is found that their behaviour is causing harm.
- 5.35 In addition, those residents who are Council tenants (or their household members or visitors) will have conditions within their tenancy agreement which relate to appropriate conduct. The council expects its tenants to be aware of these obligations and to ensure that they are not breached. The council will take robust enforcement action when appropriate and where there is a refusal to comply with those obligations. This principle applies to other occupancy types, such as licences, leases etc.
- 5.36 The council often cannot resolve ASB without the support and co-operation of the person/s experiencing it. Whilst the council will always consider what is reasonable based on the circumstances of the person involved, it will usually require the following to ensure it can progress a case:
- Prompt recording/reporting of ASB incidents, using an appropriate method.
  - Agreement to provide certain information which may be useful to us e.g. medical information that assists in showing the impact and harm.
  - Willingness to consider the options that the council believe will be appropriate to resolve a case.

Where the council believe that someone is not cooperating, without fair reason, it may have to close the case without further action.

### Working with the Community

- 5.37 Where levels of ASB are affecting the wider community, the investigating officers will engage and liaise closely with local residents' associations, community groups and tenant representatives to try to resolve the issue.
- 5.38 Communities are encouraged to consider ways to resolve ASB and will be supported to make bids to the Neighbourhood Environmental Improvement Schemes to help address environmental issues which could help to reduce

levels of ASB, for example fencing or parking programmes, gating, lighting or additional security measures.

- 5.39 The funding and resources available to tackle ASB can change over time. The council seeks to work to identify these opportunities where they arise and support communities to make appropriate bids.

#### Information Sharing / Confidentiality

- 5.40 As part of effective partnership working, the council is required to share and receive information. The Crime and Disorder Act 1998, the UK GDPR, Data Protection Act 1998 and ASB, Crime and Policing Act 2014 give us the permission to share personal and sensitive information when for the purposes of prevention and detection of crime and disorder (including ASB), or for conducting ASB case reviews. The One Staffordshire Information Sharing Protocol sets out how this information should be shared.
- 5.41 Any information that the council shares with partners or, conversely, that is shared with the council, will be done so in a way that meets the requirements of data protection legislation, in terms of methods of sharing, storage, retention and disposal. The council will ensure it has a lawful basis for the sharing of any information and a legitimate purpose for doing so.
- 5.42 The council may receive requests from residents to keep the information that they share with us confidential. The council commit to doing so with the following caveats:
- There may be times where the council is told something that it is legally obliged to share with other teams or agencies. For example, if there is a safeguarding concern or a crime has been committed. In most instances, unless not appropriate to do so, the council will advise the person of our need to share this information and with whom.
  - In order to resolve ASB the council often needs to discuss matters with the person alleged to be causing the harm. Whilst the council will not name the person who has reported it to us, the nature of the report/s may make it easy to presume who has made the report. The council will seek to put necessary safeguards in place (where appropriate) to ensure that any risks to the reporter are minimised.

#### Sharing information with residents and communities

- 5.43 We understand the importance of keeping those reporting ASB updated about the progress of their case. Upon initial contact, an agreed method of contact and frequency will be determined between the customer and the ASB Officer. Often resolving ASB most effectively involves considering the needs of the person causing the harm and taking action as a result. The council, therefore, needs to be careful to balance the need to update the person reporting ASB



on our actions, without breaching data protection laws by sharing personal and sensitive information about another party. The council can only share information which it believes is legally disclosable.

5.44 The council may also publicise actions that it has taken in an ASB case. Sometimes this will be generic information, but it may also be information about specific individuals. The council commit to the following principles:

- To publicise information about individuals only where lawful to do so (e.g., the matter relates to court action where there are no reporting restrictions)
- To publicise information where there is a clear reason to do so (e.g., to ensure the community can assist us in managing the order, to reassure the community and encourage future reporting, to deter the offender breaching the order and/or to deter others from causing the same problems)
- To consider the proportionate way/s in which to publicise which goes no further than achieving our legitimate aims.
- To consider the circumstances and needs of the person whose information the council would be sharing.

5.45 The council may use local media coverage, targeted leafleting and other publicity as considered appropriate, decided on a case-by-case basis.

#### Types of Action

5.46 The council has a range of responses available to address ASB, including informal and legal actions. The council does not adopt an incremental approach to the use of these tools and will take whatever action is felt proportionate to the issues and which is believed to have a genuine chance of resolving the matter. However, in most cases, the council will endeavour to resolve cases using non-legal interventions first. The council will determine what is the most proportionate course of action based on a number of factors, including but not limited to:

- Seriousness of the problem/s
- Frequency
- Harm being caused to the victim/s
- Impact on wider community
- Impact on resources
- Vulnerability of all parties
- Whether the perpetrator is cooperating with us
- Whether previous action has been taken and the success or otherwise of this



- 5.47 With regard to court action, the council can only act where it has evidence to prove the incidents to the relevant standard of proof the council is working to. In most instances, this will be the civil standard. The council will work with partners in order to secure available evidence. If after completing this work, the level of evidence does not meet this standard, the case will be closed and an explanation of why, will be provided to the person reporting the incidents. To meet the evidential threshold, the council is often reliant on residents reporting and recording incidents of ASB and supporting us in any legal action that it considers appropriate.

#### Prevention of ASB

- 5.48 The council believes that minimising the chance of ASB occurring in the first place is the best outcome.

With regard to its tenancies, it seeks to do this by:

- Operating an introductory tenancy regime for new tenants
- Operating a robust allocation and sign-up process for new tenants.

In general, it will also:

- Use measures which aim to design out crime and ASB, such as CCTV, fencing, bollards etc.
- Identifying hotspot times, such as bonfire night, and proactively managing these to prevent ASB from occurring.

- 5.49 Often, the best way to prevent ASB is by working in partnership with other agencies, such as the Police. The council works with these agencies to share relevant information, allowing us to identify hotspot areas, share resources and create cohesive and effective plans for managing the issues. This includes working proactively to detect and deter ASB on open spaces which the council does not own but which impact on our customers, as per our regulatory requirements as a social housing landlord.

#### Empowering Residents

- 5.50 The council will always consider whether the best course of action is to empower those reporting ASB to manage their own case in the first instance. It may recognise that the matter would benefit from communication and/or negotiation between the parties and that formal intervention from us may escalate the situation and cause unnecessary tensions.
- 5.51 When taking this approach, the council commits to the following:
- Assessing suitability on a case-by-case basis, taking into account the needs and circumstances of the person making the report
  - Assessing the level of risk before making our recommendations
  - Providing practical advice and guidance to the party about how to make the approach it is suggesting.
  - Referring the matter for formal mediation, if the council feels this would be the most appropriate way to facilitate conversation between parties.

- Where a refusal is on reasonable grounds, not to hold this against the person reporting the ASB.

5.52 Should someone refuse a reasonable request the council may need to close the case without further action.

#### Informal Action

5.53 Whilst the council decides on an action based on what is proportionate, in most instances it will attempt informal actions before seeking a legal intervention. The council will consider a number of informal options, including but not limited to:

- Warning letters
- Meetings
- Mediation
- Acceptable Behaviour Contracts/Agreements
- Good Neighbourhood Agreements
- Parenting Contracts
- Support referrals
- Restorative Practices

#### Legal Action

5.54 Where the council has cases of ASB that require legal action it will consider all options available to it and decide what is most proportionate and appropriate to the particular case concerned.

5.55 These options include tenancy action where the council is the landlord:

- Where the tenant is an introductory tenant, serving notice to extend the introductory period or seeking to end the tenancy
- Where the tenant is a secure tenant, serving a notice of seeking possession which includes the discretionary and/or absolute grounds for possession.
- Seeking an outright possession order, suspended possession order, or combining ASB action with other existing action, such as proceedings for rent arrears.

5.56 Where the council serves notice that includes reliance on a mandatory ground/process (e.g., ending an introductory tenancy or relying on a mandatory ground) it will offer the tenant a right of appeal.

5.57 The council also have a range of other legal powers available to tackle ASB, irrespective of whether the perpetrator is a tenant of the council. This includes the following:

Community Protection Notice (CPN)	CPNs are designed to stop a person aged 16 or over, business or organisation committing unreasonable acts, which are persistent and/or continuing and which have a detrimental impact on others.
Injunction	Civil injunctions are aimed at preventing individuals from engaging in further acts of ASB, through prohibitions and positive requirements.
Closure Powers	Allows the council or Police to close premises down for up to 6-months, where there has been ASB and/or crime causing serious harm.
Public Spaces Protection Order	Public Spaces Protection Orders (PSPOs) are intended to deal with nuisance or problems in an area that cause harm to the quality of life of the local community. They place conditions over the use of public places.
Criminal Behaviour Order (CBO)	A CBO can be applied for alongside a criminal prosecution. In the majority of cases, the council will support an application led by the Police, but there may be occasions where it is seeking its own prosecution and may determine that a CBO application is also required. These orders are aimed at preventing and determine further ASB, by way of including prohibitions and positive requirements tailored to the individual causing the harm.

## 6. Consultation and Communications

6.1 Consultation on this draft policy has included the following groups through a formal six-week consultation exercise over July/August 2024:

- Cabinet Members and Portfolio Holders
- Members of the Tenant Voice
- Members of the ASB Tenant Scrutiny Group

- Council Teams, including Housing, Community Safety, Youth Offending Services, Public Protection
  - Tenants registered to receive housing news bulletins
  - Partner Agencies.
- 6.2 EGov delivery bulletins, social media alerts and publication on the council's website, were used to promote the consultation exercise, to encourage the general public and other partners to provide their feedback.
- 6.3 At the end of the consultation period the feedback received has been considered to further develop the final ASB policy.

## 7. Performance

- 7.1 The council has several quality assurance and compliance frameworks in place, to ensure that it is delivering the most effective services in-line with our policy. These frameworks are also designed to support and empower our officers tackling ASB.

These frameworks include:

- A clear induction programme for new starters and a programme of continuous professional development.
  - A robust policy and procedure that complies with legislation, policy, regulation and best practice.
  - Regular case supervisions and ad-hoc access to case advice.
  - Case file audits.
- 7.2 As part of our legal requirements as a social landlord, the council collects data in line with the ASB-related tenant satisfaction measures.
- 7.3 The council also provide reporters the opportunity to complete a satisfaction survey when their case is closed. The council records any feedback and identifies any trends/patterns. This is then used to inform continuous service improvement.

### Data Collection

- 7.4 Anonymised data is collected for performance monitoring reports. Reports categorise cases by risk level and by reported type. This information is used to understand the nature and level of issues related to private ASB to enable improvements in service delivery.
- 7.5 Further analysis is done on the enforcement action taken in order to understand the effectiveness of this action.

- 7.6 All data collection is done in a manner that complies with Data Protection legislation.

## **8. Financial Implications**

- 8.1 The ASB Service is funded through two revenue streams; the Housing Revenue Account and the General Fund. To ensure a value for money approach to service provision, any ASB cases potentially requiring legal action are reviewed by a manager who considers the likelihood of a successful outcome before a referral is made to legal services.

## **9. Reporting ASB**

- 9.1 The council seeks to make reporting ASB as accessible as possible. Reports can be made via the following:

- Via the online reporting form which can be found here: <https://www.stoke.gov.uk/xfp/form/1369>
- Via telephone using the customer access number [01782 234234](tel:01782234234)

- 9.2 The council may receive anonymous reports of ASB. It can be difficult for us to progress these matters, as it is often unable to identify the source of the information and find out the necessary details it needs to take action. The council does, however, understand that there are occasions where people are too frightened to provide their name and contact details. The council will assess the nature of the report and decide whether it should make further investigations. The council will consider the severity of the behaviour reported and the harm that is being caused. If the council decides to take further action, it may speak to other partners to see whether they have further information and/or may do our own checks with residents living in the area identified.

- 9.3 The council may receive reports from third parties, such as the Police, advocates of the person experiencing the ASB or elected members/Councillors. The council does accept third party reports but will often need to speak to the person directly affected in order to progress the matter.

### **Persistent, vexatious or unreasonable complainants**

- 9.4 The council commit to being fair and transparent with the people it works with. It appreciates that in doing so, there may be times that the person is disappointed or frustrated with our decisions.

Unfortunately, the council does have occasions where a person may:

- Falsify, exaggerate or fabricate reports.
- Continue to report things to the council that it has already made a decision about and has explained why it cannot act.

- Be having a negative impact on our capacity and ability to provide a service to others.

Where the above occurs, the council may consider:

- Reviewing its decisions to make sure they are sound and that it has not acted in error.
- Consider whether there are any health and/or safeguarding needs which may be causing unusual sensitivity or fuelling the persistency of contact, making necessary referrals where appropriate.
- Refer the person to our service complaints process or the local ASB case review process, to allow them to formally request a review of our decisions.
- Consider action under our corporate persistent complainants' policy.

## **10. Concerns and Feedback**

### **Making a Complaint**

10.1 If a resident is not satisfied with how an ASB case has been dealt with they may register a complaint through our formal Corporate Complaints, Comments and Compliments Policy 2024. This process is used where there has been a service failing. It should not be used to report ASB in the first instance. Residents who want to make a general complaint or comment about the ASB process can also use this procedure. Details are available from any Stoke-on-Trent City Council office or online ([www.stoke.gov.uk](http://www.stoke.gov.uk)). In line with this procedure, the initial complaint will be acknowledged in writing within two working days and information will be provided about who is dealing with the complaint. The council aim to respond within 10 working days. If the complaint is more complicated, it may take longer to sort it out, but the complainant will be kept informed.

### **Contacting the Ombudsman Service**

10.2 If a resident remains dissatisfied with the outcome following the completion of the complaint's process, they can refer the matter to the relevant Ombudsman Service. Further details can be found in our complaints policy, which can be accessed via our website.

### **The ASB Case Review**

10.3 Any victim of ASB, who has made three or more reports within a six-month period and feels they have not had a satisfactory response, has a legal right to request a 'partnership review of the matter (called an "ASB Case Review")'. If the threshold is met, a review will be led by a local and independent multi-agency panel which has the power to make recommendations to public bodies.

10.4 Requests for a review will be managed through the police in line with the agreed process. More information on the process and how any person experiencing ASB can request a review can be found on;

[https://www.stoke.gov.uk/directory\\_record/333313/anti-social\\_behaviour\\_case\\_reviews](https://www.stoke.gov.uk/directory_record/333313/anti-social_behaviour_case_reviews)