
Subject:	ANTI-SOCIAL BEHAVIOUR POLICY (2024)
Meeting and Date:	Cabinet - 2 December 2024
Report of:	Rachel Collins, Head of Housing
Portfolio Holder:	Councillor Pamela Brivio, Portfolio Holder for Housing, Skills and Education
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To provide detail in relation to the Anti-Social Behaviour Policy (2024) (“the Policy”) and seek Cabinet approval for the Policy to be adopted.

- Recommendation:**
1. Cabinet approves and adopts the proposed Policy.
 2. Delegates authority to the Strategic Director (Finance and Housing), in consultation with the Portfolio Holder for Housing, Skills and Education, to make minor amendments to the policy as required.
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1. Summary

- 1.1 Dover District Council (“the Council”) must have a policy and procedure(s) in place that sets out how it will deter and tackle anti-social behaviour (ASB) including hate crime in its neighbourhoods.
- 1.2 The Council has an existing policy, the ‘Neighbour Nuisance and Anti-Social Behaviour Policy’, however this version is outdated, and an updated version needs to be published that reflects legislative and regulatory changes.
- 1.3 The proposed Policy is attached to this report as Appendix 1.

2. Background

- 2.1 ASB encompasses a wide range of behaviours that cause nuisance and harm to others and property. The Council, Registered Providers of Social Housing (“Registered Providers”), the Police and other public authorities and support services share responsibility for tackling ASB at a local level.
- 2.2 The Tenancy Support Team within Housing Services is responsible for responding to reports of ASB, managing the investigative process and overseeing subsequent enforcement action where this is taken. They work with other teams within the Council, the Police and other external agencies (statutory & non-statutory) to resolve and close ASB complaints.
- 2.3 Under section 3.3 of the Council’s tenancy agreement there are several clauses that pertain to ASB, nuisance and domestic violence, which tenants (including household members and visitors to the home) must comply with. Failure to comply with the tenancy agreement can result in enforcement action.
- 2.4 Section 2.2 of the Neighbourhood and Community Standard (“the Standard”) sets out the expectations that Registered Providers, including Local Authorities, must do to prevent and tackle ASB within their communities. Updates made to the Standard in April 2024 now include ‘hate incidents’.

2.5 The Housing Act 1996 (as amended) and Clause 2.2.1 of the Neighbourhood and Community Standard expect the Council, as a social landlord, to publish an anti-social behaviour policy and procedures statement.

3. The Policy

3.1 The Policy has been developed in accordance with the Council's legal and regulatory obligations.

3.2 The Policy uses the definition of ASB from the Crime and Policing Act 2014 and the definition of 'hate crime' from the Crown Prosecution Service (CPS).

3.3 In summary, the Policy sets out the following:

- 1) How the Council will work with relevant organisations to deter and tackle ASB and hate incidents in its neighbourhoods.
- 2) How the Council will deter and tackle ASB and hate incidents in its neighbourhoods.
- 3) How tenants can report ASB and hate incidents to the Council.
- 4) How cases are managed, including how they are categorised and what tools and enforcement powers the Council has at its disposal to effectively deal with ASB and hate incidents.
- 5) The requirements of an ASB Case Review.
- 6) How tenants affected by ASB and hate incidents are signposted to other agencies who can give them appropriate support and assistance.

3.4 The Policy states that the Council takes a victim centred approach to managing ASB cases including hate incidents. In some cases, the Council may decide that a complaint is not ASB, and examples of this can be found in Appendix 1, paras. 6.3 and 6.4. In such cases the Council can offer advice or signpost the reporter to other external services for advice and support. Reporters who are not satisfied with how their ASB complaint has been dealt with can trigger an ASB Case Review (see para. 8.5) provided that this meets the requirements.

3.5 The Officers within the following teams have been involved or consulted during the development of the Policy:

- 1) Tenancy Support Team
- 2) Community Services
- 3) Designated Safeguarding Officer
- 4) Legal
- 5) Corporate Services (Equality)
- 6) Accountancy

3.6 The Dover District Tenants Consultative Group (DDTCG) has been consulted several times on the proposed Policy, and where necessary amendments have been made to the Policy to reflect the feedback provided.

3.7 The Policy should be read in conjunction with the following documents:

- 1) DDC Tenancy Agreement
- 2) Tenancy Management Policy
- 3) Neighbourhood Management Policy

- 4) Managing Unacceptable Behaviour Policy (Housing)
- 5) Vulnerable Tenant Policy
- 6) DDC Safeguarding Policy
- 7) DDC Complaints Policy

4. Monitoring and Implementation

- 4.1 Formal reviews of the Policy will be conducted every 3 years or where changes to legislation and/or regulations require an immediate review. Once the Policy is approved the next expected review will be in 2027.
- 4.2 An annual report on the work in respect of housing ASB outcomes and issues will be presented to the Overview and Scrutiny Committee which also acts as the Council's Crime and Disorder Committee, since they are required by legislation to oversee work on community safety.
- 4.3 Performance monitoring, which includes tenant satisfaction, is captured in several ways as listed in para. 9.3 of Appendix 1. Results from monitoring can be used to make improvements where necessary.
- 4.4 Guidance and processes will be provided to staff to ensure that they can (1) comply with the Policy and (2) can follow the correct process for responding to and managing ASB and hate incident reports.
- 4.5 A copy of the Policy and a summarised version will be provided on the Council website for tenants to access.

5. Equality Impact Assessment (EIA)

- 5.1 An EIA (attached as Appendix 2) has been completed to comply with our Public Sector Equality Duties (Section 149 Of the Equality Act). The EIA has highlighted potential negative impacts to some protected characteristics. Mitigative actions have been documented on the EIA where potential negative impacts have been identified.

6. Identification of Options

- 6.1 Option A: Cabinet agrees to the recommendations of this report.
- 6.2 Option B: Cabinet does not agree to the recommendations of this report.

7. Evaluation of Options

- 7.1 Option A is the preferred option for the following reasons:
 - 1) The Council has a duty under the Housing Act 1996 (as amended), to publish an anti-social behaviour policy. This is also stipulated within the Neighbourhood and Community Standard.
 - 2) The Policy will provide clarity for residents and officers on how the Council manages, deters and tackles ASB and hate incidents in its neighbourhoods.
 - 3) The Council will demonstrate that it regularly reviews its policies to ensure they are compliant with legislation and regulations.
 - 4) Approving the new updated version will continue to support efficient service delivery.
- 7.2 Option B is not the preferred option since it would be counterproductive to the points raised in 7.1.

8. Resource Implications

Operation/Staff Resources Implications

- 8.1 The Policy does not make any significant changes to current operations or staff resources, since functions pertaining to deterring and tackling ASB and hate crime are already established within the Tenancy Support Team, part of Housing Services.

Finance Implications

- 8.2 There are no direct financial implications by implementing the Policy since the management of ASB is covered within the existing HRA budget and operations.
- 8.3 There is a potential for indirect financial implications if the Council has been found to be non-compliant with the Neighbourhood and Community Standard set by the Regulator of Social Housing, which can incur an unlimited financial penalty.

Legal and Regulatory Implications

- 8.4 The Council has a range of additional powers to act against those causing anti-social behaviour under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act 2014”).
- 8.5 The Act 2014 also introduced the ASB Case Review (formerly known as the ‘community trigger’), which is a mechanism for victims of ASB to request their local Community Safety Partnership (CSP) to review responses to incidents of ASB. This only applies if the reporter has reported ASB to the Council at least 3 times within 6 months and the case has not been handled satisfactorily.
- 8.6 The Crime and Disorder Act 1998 requires the Council to work together with the Police and other agencies to develop and implement strategies to reduce crime, disorder and anti-social behaviour.
- 8.7 The Council shares reciprocal responsibility to share information with other partner agencies as set out in the Crime and Disorder Act 1998, and in accordance with the Kent and Medway Information Shared Agreement (KMISA).
- 8.8 As a Registered Provider of Social Housing, Council is required to abide by the Consumer Standards, published by the Regulator. Non-compliance with the Standards or any piece of legislation that governs ASB, could result in the Regulator grading the Council as failing. As part of the new regulatory regime, the Council could face an unlimited fine by the Regulator, and reputational damage through the publication of the Council’s failures which could result in a lack of trust in the Council and negative media attention.
- 8.9 The Council is required to have due regard to Section 149 of the Equality Act, referred to as the Public Sector Equality Duty (PSED), when conducting itself as a public body.

9. Climate Change and Environmental Implications

- 9.1 The adoption of this proposed Policy will have no impact on climate change or to the environment.

10. Corporate Implications

- 10.1 Comment from the Director of Finance (linked to the MTFP): ‘Accountancy have been consulted in the writing of this report and have no further comments to add (AC)’
- 10.2 Comment from the Solicitor to the Council: ‘The Litigation Lawyer has been consulted during the preparation of this report and has no further comments to make.’
- 10.3 Comment from the Equalities Officer: ‘As noted at paragraph 5.1 the adoption of this policy will potentially have a negative impact upon several protected characteristic groups. Proposals to mitigate these impacts are detailed in the Equality Impact

Assessment. The Equality Officer has no further comments to make, other than to remind Members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

11. Appendices

Appendix 1 – Anti-Social Behaviour Policy (2024)

Appendix 2 - Equality Impact Assessment

12. Background Papers

Neighbourhood and Community Standard - GOV.UK (www.gov.uk)

[Safety and Quality Standard - GOV.UK \(\[www.gov.uk\]\(http://www.gov.uk\)\)](#)

Anti-social behaviour case review - GOV.UK (www.gov.uk)

[Anti-social behaviour powers - GOV.UK](#)

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