

Anti-social Behaviour Policy (Neighbourhood Services)



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Purpose

- 1.1 The purpose of this policy is to outline the principles for managing and addressing Anti-Social Behaviour (ASB) in the context of social housing owned and managed by Milton Keynes City Council. It provides a framework which will enable staff to work positively with customers and external agencies to effectively address ASB for those who live in our homes.
- 1.2 Milton Keynes City Council is committed to tackling anti-social behaviour. We recognise the detrimental impact ASB can have on customers and the community. We are committed to tackling ASB through prevention, diversion, enforcement, and reduction strategies.

Aims

- 2.1 We aim to:
 - Enable residents to live peacefully within their homes without fear, intimidation, threats of harm, nuisance, or unreasonable behaviour from others
 - Encourage reporting and make it easy to report anti-social behaviour
 - Ensure our response to reports of anti-social behaviour is victim-centred
 - Respond quickly and in a robust manner to incidents of anti-social behaviour
 - Meet our service standards and comply with the Victims Code
 - Ensure complainants are regularly updated with actions
 - Ensure the most appropriate course of action including but not limited to diversion, prevention, enforcement, engagement, and rehabilitation is considered to tackle anti-social behaviour and its underlying causes
 - Provide a framework for supporting victims, witnesses, and vulnerable perpetrators
 - Work in partnership with local agencies to meet our aims.

Introduction

- 3.1 Milton Keynes City Council is committed to ensuring that residents enjoy their right to peace, quiet and security in their own home, noting that everyone has a right to their own chosen lifestyle, providing that this does not have a detrimental impact on the quality of life of others.
- 3.2 It is recognised that ASB is a concern for residents and visitors and can impact on health and wellbeing. The council has a duty to act through preventative measures, enforcement and support for victims, witnesses, and colleagues.
- 3.3 This policy defines and outlines the functions being delivered by Neighbourhood Services, in relation to anti-social behaviour within the council's housing stock and in communities in which we manage or own property.
- 3.4 Other instances of ASB, including non-housing related reports, falls outside the scope of this policy and will not be managed by Neighbourhood Services, but in exceptional circumstances will provide specialist advice and guidance to internal and external services.

Definitions of ASB

4.1 Milton Keynes City Council will adopt the definition of ASB provided by the Anti-Social Behaviour, Crime and Policing Act 2014, as follows:

- 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-related nuisance or annoyance to any person.

Crime and criminal behaviour – in many instances, reports of anti-social behaviour may also constitute a crime. Where the behaviour being reported constitutes a crime, the victim or complainant will be encouraged to report the matter to police in the first instance. Milton Keynes City Council will continue to open the case of anti-social behaviour in most instances providing that the behaviour has caused, or is likely to cause, harassment, alarm or distress to any person. In the context of housing-related reports, the behaviour must have the capability of causing a nuisance or annoyance.

4.2 Milton Keynes City Council is committed to the fair treatment of all. It recognises that some behaviours may be unwanted by the person experiencing it but the behaviours being reported are otherwise reasonable. Milton Keynes City Council will not consider this type of conduct to be anti-social behaviour and involvement of our services may be limited.

4.3 In some instances, mediation may be appropriate; where a case has not met the threshold and a full investigation is not necessary, but mediation may still be a helpful way to resolve the matter, any person can self-refer themselves to the mediation company we use via our website.

4.4 Milton Keynes City Council does not consider the following behaviours to be anti-social or nuisance behaviour and as such will not have duty to investigating these matters:

- Cooking smells
- Reasonable living noise – e.g., footsteps, hoovering and other domestic sounds
- Children playing
- Fencing or boundary disputes
- Parking issues when there are no parking regulations being broken

The Housing Duty

- 5.1 In the delivery of its housing functions, Milton Keynes City Council has a core commitment to the Regulator of Social Housing to tackle anti-social behaviour across the local authority area of Milton Keynes where we own and manage property.
- 5.2 Any person residing in or visiting the local authority area of Milton Keynes is entitled to use our services. We will investigate all reports of anti-social behaviour in the delivery of its housing functions.
- 5.3 Where instances of anti-social behaviour are reported to Milton Keynes City Council but the nature of these reports are non-housing related and fall outside of its housing duty, Neighbourhood Services may work with internal or partner teams to support a successful resolution.
- 5.4 Milton Keynes City Council recognises that persistent noise nuisance can have a detrimental impact on the quality of life of others. Reports of statutory nuisance (i.e., noise) where the nuisance is prejudicial to health should be referred to the Environmental Health team for investigation; where the circumstances involve both noise and related ASB, or only where a tenancy breach is identified, Neighbourhood Services will take the lead.
- 5.5 Milton Keynes City Council encourages private landlords to deal with ASB within their housing stock, where the matter does not involve our tenants or their visitors. In some circumstances, it may be necessary for the council to intervene, act in an advisory capacity, and facilitate action by the most appropriate agencies. We encourage all private landlords to take responsibility for the effective management of their properties and will intervene with formal powers only where absolutely necessary and all other attempts to resolve the situation have not been successful.
- 5.6 Reports of ASB relating to properties owned and managed by Registered Providers (housing associations) should be referred to the relevant Provider. Milton Keynes City Council expects Registered Providers to tackle ASB within their housing stock, however in exceptional circumstances may offer advice, guidance and formal legal action where it is a last resort.

The Victims Code

- 6.1 Milton Keynes City Council recognises that victims of ASB do not access the nationally recognised Victims Code in the way a victim of a crime is entitled to. We also recognise that the impact of anti-social behaviour can be far more severe. For this reason, Milton Keynes City Council has its own **Victims Code** for victims of anti-social behaviour, which will be sent to all complainants at the point of making the initial report.

6.2 The **Victims Code** is as follows:

Code 1: To be able to understand and to be understood.

You have the Right to be given information in a way that is easy to understand and to be provided with help to be understood, and where necessary, access to interpretation and translation services.

Code 2: To have the details of your report recorded without delay.

You have the Right to have details of your report recorded by Milton Keynes City Council when you make your report to us and be responded to in accordance with our service standards. You should feel encouraged to report instances of anti-social behaviour to us and for your report to be taken seriously.

Code 3: To be provided with information when making your report.

You have the Right to be provided with information about the standard process of a case, what might happen and what you will need to do to ensure incidents can be investigated timely and without delay. This information will be made available to you upon the opening of your case.

Code 4: To access support services for victims.

You have the Right to be referred to services that support victims, which includes the Right to contact them directly and to have your needs assessed so services and support can be tailored to meet your needs. You have the Right to access external support services, such as Victim Support (if eligible) and to have victim support measures explained to you. If you are required to give evidence in court, for example, we may be able to apply for special measures where witnesses can give evidence behind a screen or via video-link. If you are required to provide a statement or attend an appointment with us, you have the Right to bring a support worker, friend or relative with you.

Code 5: To be informed about the investigation of your case.

You have the Right to know who is managing your case and how you can contact them. You have the Right to regular contact with your case officer in line with our service standards. You have the Right to be provided with updates on your case and be informed when important decisions are being made.

Code 6: To have a review of your case be carried out.

If you are not satisfied with the outcome or the progression of your case, you have the Right for your case to be reviewed by a senior manager. At the conclusion of this review, you have the Right to be informed of any advice and recommendations in support of the case.

What we will do

7.1 We will:

- Keep our promises as set out in the Victims Code for every victim under our service.
- Assess the risk of victims and ensure safety measures, where required, are put in place without delay.
- Seek to limit the escalation of all anti-social behaviour. In some cases, we may encourage the parties involved to discuss the matter between themselves, using a mediation approach where possible.
- Aim to focus on sustainment of tenancies by balancing prevention initiatives and enforcement actions whilst ensuring that the victims of ASB are at the centre of our approach.
- Investigate all housing-related reports where the matter constitutes ASB against or caused by residents of Milton Keynes.
- Accept reports of ASB received through our Customer Services Desk or our online form.
- Provide relevant training to our staff to give them the support and confidence to deliver the ASB service effectively.
- Deal with all cases of ASB in accordance with our Equality and Diversity and Safeguarding policies.
- Provide support and advice to victims and witnesses engaging with our services and making referrals to external agencies where appropriate.
- Adopt a zero-tolerance approach to aggressive, threatening or violent behaviour to any of our staff or contractors.
- Attempt to resolve ASB in partnership through prevention and early intervention, making best use of the informal toolkit where possible.
- Where reports of ASB can evidence a significant or imminent risk of harm, and where the behaviours cannot be managed through informal measures, Milton Keynes City Council may have no choice but to consider the wider ASB toolkit to ensure lasting protection for victims and the wider community. This may include, but limited to, utilising our court powers in respect to injunctions, property closures, and as a last resort, possession proceedings.
- Where appropriate, share information with partner agencies to enable us to prevent or resolve ASB issues or where individuals are at risk or there is a safeguarding concern.
- Record, monitor and evaluate ASB reports and actions and take into consideration customer feedback to improve and develop the service.

- Take a zero-tolerance approach to knife crime and organised crime throughout our communities.
- Carry out a series of strategic and targeted Operations to tackle serious anti-social behaviour.
- Support victims of Hate Crime and Domestic Abuse, and where possible, challenge the behaviours of perpetrators alongside and in partnership with other organisations and partners such as Thames Valley police (TVP) and Community Safety colleagues.

Intervention and Support

- 8.1 Milton Keynes City Council is committed to tackling anti-social behaviour within its communities and aims to do this through a wide range of preventative methods.
- 8.2 Milton Keynes City Council shall adopt a ‘support first’ approach, meaning in most cases we will try to influence behaviour change first through informal action such as warnings and Acceptable Behaviour Contracts (ABCs), before resorting to formal action.
- 8.3 Where the threat of harm is severe, or where the impact towards the victims cannot be undone, Milton Keynes City Council may have no choice but to consider formal action, such as injunctions, closure orders and possession proceedings, but where possible this will be combined with approaches to influence behavioural change.
- 8.4 Milton Keynes City Council will work with external partners to support victims and manage serious and persistent offenders of anti-social behaviour.
- 8.5 Where a perpetrator has care and support needs, we shall follow the Vulnerable Adults Pathway:(<https://www.milton-keynes.gov.uk/community-safety-safermk-partnership/community-trigger>) to ensure support measures are considered at the earliest stage.
- 8.6 We shall support victims of ASB who wish to raise a formal Case Review via the statutory process. Information in relation to the process can be found on the Milton Keynes City Council website.

Key Legislation

- 9.1 Milton Keynes City Council supports the key principles for effective case-management in accordance with government recommendations. These can be found at: www.gov.uk/government/publications/anti-social-behaviour-principles/anti-social-behaviour-principles

9.2 We will share information with partner agencies in accordance with information sharing protocols made under Section 115 of the Crime and Disorder Act 1998 and data protection legislation, for the purposes of preventing, detecting, and tackling crime and anti-social behaviour in Milton Keynes.

9.3 The following summarises the legislation that informs the management of ASB and neighbour nuisance:

- The Anti-Social Behaviour Act 2003
- The Anti-Social Behaviour, Crime and Policing Act 2014
- The Care Act 2014
- General Data Protection Regulations 2018
- The Equality Act 2010
- The Environmental Protection Act 1990
- The Housing (Homeless Persons) Act 1977
- The Homeless Act 2002
- The Homelessness Reduction Act 2017
- The Housing Act 1985
- The Housing Act 1988
- The Housing Act 1996
- Housing Act 1998
- Localism Act 2011
- Crime and Disorder Act 1998

Publicity and Communications

10.1 Milton Keynes City Council will work closely with the communications team to publicise enforcement action that has been taken. This will reassure the community, act as a deterrent and inform residents of action that has been taken to address areas of concern.

10.2 If in the interests of public safety, the community may be informed of court orders which have been obtained by Milton Keynes City Council through local publicity.

Reporting and Monitoring

11.1 Regular monitoring of service delivery will be monitored by the Housing Team Managers.

11.2 Our service standards will be reported back to the Neighbourhood Services Manager on a quarterly basis. These are:

- 100% of cases of anti-social behaviour are responded to within:
 - 24 hours (high risk)
 - 2 working days (medium risk)
 - 5 working days (standard risk)
- 100% of complainants contacted every 10 working days

- 100% of complainants will be sent the Victims Code as soon as the initial report is made, together with a case opening letter and diary sheets where necessary.
- 11.3 Key Performance Indicators will be reported back to the Neighbourhood Services Manager on a quarterly basis. These are:
- 80% of cases resolved successfully
 - 60% of complainants were satisfied with the handling of their case
- 11.4 We will undertake victim satisfaction surveys within 6 weeks of case closure and use this information to improve service delivery.
- 11.5 We will deliver an annual ASB Forum to residents of Milton Keynes, providing feedback of service delivery.

Consultation and Implementation

- 12.1 Resident Associations and Resident Forums, Senior Management Groups and Thames Valley Police have been consulted during the preparation of this Policy.
- 12.2 The Neighbourhood Services Manager is responsible for the implementation and monitoring of this policy.
- 12.3 Regular training of staff, case reviews, performance monitoring and reporting will be carried out by the Housing Team Managers.

Equality and Diversity

- 13.1 Milton Keynes City Council will ensure that in delivering our services we continue to be inclusive and representative. We will ensure that this is achieved through the delivery of our Equality and Diversity Policy.
- 13.2 Milton Keynes City Council will ensure that the Policy is widely available at Civic Building and on the website. The Policy can be made available in large print, Braille or on audio tape, upon request. Translations into other languages will also be available.
- 13.3 This policy will be applied to all residents regardless of age, disability, gender reassignment, marriage and civil partner status, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 13.4 Milton Keynes City Council will not unlawfully discriminate, harass or victimise any person in the delivery of this policy.
- 13.5 We will carry out an Equality Impact and Proportionality Assessment before deciding on and proceeding with legal action.

Review

- 14.1 We will formally review this policy every 5 years unless changes in legislation, regulation or best practice require an earlier review.

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