



## NCHP012 ASB and Hate Crime Policy

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## Policy summary

This policy applies to all employees and customers of Nottingham City Council where ASB or hate crime is connected to the management of Nottingham City Council Housing owned or managed stock.

Preventing and tackling anti-social behaviour and hate crime through a victim-focused approach is a priority for our residents and communities. Left unchallenged, we recognise that anti-social behaviour and hate crime can have a significant detrimental impact on the lives of individuals and communities.

We are committed to ensuring that our tenants and leaseholders can enjoy peace, quiet and security in and around their homes. To fulfil this commitment, we have adopted the following practices in the delivery of the anti-social behaviour and hate crime policy.

- To demonstrate by our actions that we will not tolerate anti-social behaviour and hate crime and will make this clear to tenants and to any person who is seeking a tenancy with Nottingham City Council.
- We will take timely and consistent action to tackle all forms of anti-social behaviour and hate crime at the earliest opportunity.
- All reports of anti-social behaviour and hate crime will be acknowledged within one working day of their receipt.
- An initial report and assessment will be conducted at the first point of contact.
- Investigations will seek to identify and interview all interested parties.
- Interviews with victims will be supportive and empathetic and will be victim / witness centred.
- An ASB impact assessment matrix will be conducted and an action plan agreed with victims and witnesses.
- The response will be as necessary and appropriate, move from advice, conciliation and support for tenants' own action, to intervention and legal action directly by Nottingham City Council Housing Services on behalf of victims of anti-social behaviour.
- We will provide or arrange support for victims and witnesses of anti-social behaviour and hate crime.
- Where identified and with the agreement of the victim we will interview all alleged perpetrators who will be informed of the allegations being made and invited to give their response.
- The exception to this is where there has been actual violence or the threat of violence, domestic abuse or another serious incident when we will consider options in accordance with risk. This may include immediate injunctive relief through the court without notice to the alleged perpetrator.
- Counter allegations from alleged perpetrators will be investigated but will not be

allowed to delay any appropriate action that is required to stop the anti-social behaviour.

- Action against perpetrators may include but is not limited to advice, warnings, support referrals, Acceptable Behaviour Contracts, Injunctions, Community Protection Notice, Anti-social Behaviour Orders and Possession proceedings, including absolute ground for possession.
- The importance of multi-agency working is fully recognised by Nottingham City Council Housing Services, and we will therefore work in partnership with key agencies, including the Police, Community Protection, the Crime and Drugs Partnership and wider teams within Nottingham City Council.
- We are committed to engaging fully with partners and taking a holistic approach to problem-solving using a people, places, and premises model.
- Our employees are provided with regular training and have access to procedures to ensure they provide an excellent service and are effective in tackling anti-social behaviour and hate crime.

# 1. Introduction

Preventing and tackling anti-social behaviour and hate crime is a priority for Nottingham City Council Housing Services. Our tenants and leaseholders have informed us through surveys and consultation that this is a priority concern for them. Left unchallenged, we recognise that anti-social behaviour can have a significant detrimental impact on their lives.

Nottingham City Council Housing Services has adopted a harm centred approach to anti-social behaviour and hate crime case management. This includes initial report and assessment, ASB impact assessment and case supervision, all of which focuses on the harm and impact an incident has had and to provide additional support to those who are at more risk of harm or vulnerable.

This policy sets out how Nottingham City Council Housing Services intends to prevent anti-social behaviour and hate crime and intervene promptly when it does occur and take firm action against persistent perpetrators. The policy provides officers and our customers' guidance on what we should do about complaints of antisocial behaviour from or in relation to council tenants, people living with them or visitors to their home.

We recognise that anti-social behaviour and hate crime must be tackled in partnership with others, such as wider departments within Nottingham City Council, Nottinghamshire Police and the Crime and Drugs Partnership. This policy acknowledges and complements the strategies of partner agencies for dealing with crime and anti-social behaviour and hate crime.

Nottingham City Council has a statutory obligation to ensure that policies and procedures comply with the following:

- Anti-social behaviour, Crime and Policing Act 2014
- Anti-social Behaviour Act 2003
- Housing Acts 1985, 1996 2003, and 2004 (as amended)
- Children Act 1989
- Equality Act 2010
- Local Government Act 2000
- Homelessness Act 2002

The ASB and hate crime policy applies to Nottingham City Council stock, housing stock developed through our registered provider and to private tenures where residents are affected by or involved in causing anti-social behaviour.

## 2. Purpose of policy

The purpose of this policy is to ensure Nottingham City Council Housing Services has fair, transparent and consistent standards in relation to anti-social behaviour and hate crime. It aims to be comprehensive, clear and accessible to all our tenants, leaseholders, service users and other customers. It aims to ensure that they understand how we will deal with a report of anti-social behaviour and hate crime and the standard of behaviour expected of tenants, their households and any visitors to their home.

Nottingham City Council Housing Services encourages its partners, in particular Nottinghamshire Police, to access this policy to inform their actions and strategies as part of a joined-up approach to tackling anti-social behaviour and hate crime.

## 2.1 Links to other Strategies, Policies and Procedures

- Tackling Anti-Social Behaviour and Crime Strategy
- Safeguarding Vulnerable Adults and Children Policy
- Domestic Abuse Policy
- Allocations and Lettings Policy
- Equality and Diversity Strategy
- Tenant and leaseholder Involvement Strategy
- Document Retention Policy
- Garden Maintenance Procedure
- Tenancy Sustainment Strategy
- Tenancy Policy
- Tenancy Fraud Policy
- Pets Policy
- Neighbourhood Policy
- Noise App procedure

## 3. Defining anti-social behaviour

3.1 There is no single definition of what is meant by the term anti-social behaviour.

3.2 The ASB, Crime and Policing Act 2014 defines ASB as:

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

3.3 Also, for the purpose of our duties under the 1996 Housing Act (s.218A), antisocial behaviour is any conduct which:

- is capable of causing nuisance or annoyance to any person that is, anyone who has a right to live in property managed by us, those living in any other property in the neighbourhood including tenants of other landlords and owner occupiers, and anyone else lawfully in such property or in the locality, for example working or using local facilities; and
- directly or indirectly relates to, or affects the housing management functions of NCH any direct or indirect activity we may undertake in the strategic and day to day management of the housing stock, such as maintenance and repairs, rent and rent arrears collection, resolution of disputes. "Indirect" examples include housing support and social care, environmental health, refuse collection and other services provided that may help us to deliver our landlord function efficiently; or
- consists of, or involves using or threatening to use housing accommodation managed by us for an unlawful purpose.

### 3.4 Types of anti-social behaviour

ASB can range from nuisance behaviour to serious or criminal activity. ASB includes, but is not

limited to:

- Noise nuisance
- Verbal abuse, harassment, intimidation, threatening behaviour
- Hate related incidents (based on race, sexual orientation, gender, disability, religion, age and subculture.)
- Vandalism and damage to property
- Nuisance from vehicles
- Drugs misuse/dealing (including cultivation, manufacture, supply and use of drugs and other substance misuses)
- Alcohol-related ASB
- Physical violence, including threats of violence
- Littering, rubbish and fly-tipping
- Garden nuisance
- Misuse of communal areas/public space/loitering
- Prostitution, performing sexual acts, kerb-crawling
- Any other criminal behaviour not included in the categories above.

### **3.5 Behaviour that we wouldn't normally class as ASB:**

Behaviour that results from different lifestyles or which would not be considered unreasonable by most people is not anti-social behaviour. **Examples include:**

- Household noise due to everyday living (such as babies crying, doors banging, toilets flushing or vacuuming)
- children playing
- one-off parties, barbecues or celebrations at reasonable times
- cooking smells
- DIY in reasonable hours
- someone parked lawfully

However, if any of the above is found to be impacting on a person because they are vulnerable, then we may be offered mediation as a means to prevent further problems or offer appropriate support.

## **4. Receiving and handling reports of anti-social behaviour**

4.1 Nottingham City Council Housing Services will ensure that everyone can access the service.

4.2 A report of anti-social behaviour can be made:

- By telephone
- In-person
- In writing
- By e-mail
- Via the Nottingham City Council Housing Services website
- Through a third party e.g. local Councillor, Community Protection
- Text message
- The Noise App.

4.3 All reports will be acknowledged within 1 working day.

4.4 On receipt of the initial incident report, we will complete an initial report and assessment.

The initial report and assessment will be used to assess the incident and determine the appropriate response timescale as either **raised** or **standard** risk.

Following receipt of the initial report and assessment a Housing Patch Manager will **interview the victim**, complete a risk assessment and agree an action plan within the following timescales:

**Raised Risk:** 24 hours (1 working day)

Hate crime, use or threat of violence and other serious intimidation will always be treated as a **raised risk** response.

**Standard Risk:** 3 Working days

Where the **alleged perpetrator** has been identified, they will be interviewed, if appropriate and in agreement with the victim, within the following timescales:

**Raised Risk:** 5 working days

**Standard Risk:** 7 working days

We will arrange for the removal within 1 working day of any racist or other abusive or offensive graffiti.

4.5 The Housing Patch Manager will complete an impact assessment matrix and agree to a written action plan with the victim /witness. This will focus on harm reduction and will specify what is to be done and the timescales in which actions are to be completed.

4.5 The victim /witness will be kept informed of progress and will be contacted on a frequency agreed with the victim, a minimum of twice a month in raised risk cases and a minimum of monthly in standard-risk cases. Progress against the action plan will be discussed and impact review.

4.7 The Housing Patch Manager will be responsible for the day-to-day management of the case unless it becomes necessary to commission Community Protection. Where a case has been commissioned to Community Protection, Nottingham City Council Housing Services remain the case owner and will maintain regular contact with the victim/ witness in accordance with the action plan and enforcement plan.

4.8 Each case managed by the Housing Patch Manager, including any that have been commissioned to Community Protection, will be reviewed at least once each month by the Area Housing Manager. Cases identified as a raised risk by the impact assessment will be reviewed by the Area Housing Manager within one working day of completion of the risk assessment action plan.

4.9 We will take every opportunity to pursue vigorously those who cause nuisance or harassment, following an investigation to establish the validity of the complaint.

4.10 Counter allegations will be investigated, but we will try to ensure that these do not hold up

an investigation or any decision before taking action.

4.11 In very serious cases where violence has occurred or is being threatened, we will consider enforcement action through an emergency injunction application. This may be carried out without notice to the alleged perpetrator, who will have the opportunity to state their case to the court.

4.12 Decisions before actions are taken will be based on an assessment of the evidence available at the time. Reviewing new evidence as it comes available is an important part of the investigation process. However, evidence judgements will be made as quickly as possible. Victims will not be required to continually provide more evidence to clarify their status as victims/witnesses of anti-social behaviour.

## **5. Supporting victims and witnesses of anti-social behaviour**

Nottingham City Council Housing Services is committed to supporting witnesses and victims of anti-social behaviour and hate crime. Whether a person is a victim, or whether they are prepared to act as a witness we recognise the importance for customers to be provided with as much support as possible.

We will therefore ensure any support needs identified are met directly by us or through liaison with other agencies, such as victim support agencies.

Furthermore, we will:

- Maintain regular contact with victims, ensuring they feel valued and empowered.
- Keep victims and witnesses informed at all stages and offer advice and reassurance wherever possible. We will provide witnesses with all the information they need, be clear on actions that are being taken or inform them of reasons why certain actions are not possible.
- Ensure that timely and appropriate action is taken against perpetrators.
- Ensure that evidence is collated from all available sources including the use of professional witnesses.
- Keep the use of observation sheets to a minimum and advise witnesses of the outcome of the observation sheet evaluation.
- Ensure victims' support requirements are regularly assessed.

### **5.1 Practical support**

Nottingham City Council Housing Services ensure that practical measures of support are met directly by us or through liaison with other agencies.

### **5.2 Providing evidence at Court**

Nottingham City Council Housing Services recognise that being a witness at court and providing evidence can be a stressful and worrying experience. We may involve the Community Protection team to take legal action on our behalf. We are committed to fully supporting our witnesses, support may include:

- Providing details of an officer who will act as a single point of contact and who will maintain close contact with witnesses throughout the case. This may be an Officer of Nottingham City Council Housing Services or Community Protection.
- Explain the court process before the hearing and arrange a pre-court visit when required.
- Escort witnesses to and from the court and around the court building at all times Request 'special measures' to allow witnesses to give evidence without intimidation from the perpetrator.

### **5.3 The Protection of Freedoms Act 2012**

The Protection of Freedoms Act 2012 amends the Regulation of Investigatory Powers Act 2000 came into effect in April 2013.

Local authorities require judicial permission to use CCTV to film or photograph individuals. Such surveillance requires permission through a magistrate, and prove that surveillance is warranted and justifiable use of public money.

Covert surveillance may be carried out when other means of gaining evidence is not available, to protect witnesses or to identify perpetrators. In such cases, Nottingham City Council Housing Services will work closely with the wider council to consider surveillance options.

### **5.4 Rehousing victims and witnesses of ASB and hate crime**

Nottingham City Council's policy is to work with victims to deal with perpetrators rather than move them. They may have strong connections with their neighbourhood and community and invested substantially in their home.

In the most serious and potentially threatening cases and where it has been assessed that the City Council may have a duty towards them under the statutory provisions of the 2002 Homeless Act, Nottingham City Council Housing Services will consider rehousing victims temporarily or permanently by the decision of the Allocations Panel.

### **5.5 Closing ASB cases**

Nottingham City Council Housing Services will consider that an ASB case is successfully resolved for the following reasons:

- The action we have taken.
- Action was taken by another agency.
- Where no formal action is appropriate i.e. no evidence found
- The victim fails to provide the information requested by us or one of our partners.
- The perpetrator no longer lives in the property or area due to eviction, transfer or surrender of the property.
- No further action is possible

If a victim withdraws their complaint, we may close the case. In other cases, where we have sufficient evidence, we may be able to continue to pursue the case without the complainant's involvement

A case that has not been resolved may be closed in the following circumstances:

- Where no formal action is appropriate and the complainant makes no further

contact or reports.

- The complainant fails to provide the information requested by us or one of our partners.
- No further action is possible.

Nottingham City Council Housing Services will retain anti-social behaviour case records after perpetrators have left a Nottingham City Council property for future reference and if they apply for housing again in accordance with the Document Retention Policy.

Where a complaint is closed, Nottingham City Council Housing Services will:

- Explain to the victim the reason for closing the case
- Confirm in writing that the case has been closed
- Make it clear that the victim can come back for help if further problems occur
- Where required give advice and sign-posting on what to do next.

## **6. Preventing and tackling anti-social behaviour**

### **6.1 Roles and Responsibilities**

Nottingham City Council Housing Services', Director and Assistant Director, Housing Services have responsibility for implementing this policy and the associated procedures.

Anti-social behaviour and hate crime exist throughout the city and across all tenures. In many instances, tenants and leaseholders of Nottingham City Council are affected by the behaviour of those on their estates who are or live with, tenants of other landlords or owner-occupiers. In these cases, we will work closely with Nottingham City Council Community Protection.

Nottingham City Council Housing Services will investigate complaints from people living in other tenures of accommodation about the behaviour of tenants and leaseholders, their household members and visitors.

A comprehensive range of measures will be used to prevent and tackle antisocial behaviour and hate crime. These will generally be incremental with action escalating in response to the severity of the anti-social behaviour or it is continuing despite interventions. However, immediate legal action will be taken when necessary.

The overall objective is to bring about positive changes in behaviour by challenging unacceptable behaviour at an early stage.

### **6.2 The tenancy agreement**

The Tenancy Agreement is issued by Nottingham City Council and explained to all tenants at the "Welcome Meeting" before they are invited to agree to its terms and sign it. There is also information for secure/assured tenants who are demoted included in the agreement.

The Tenancy Agreement places an obligation on tenants to act reasonably and have consideration for neighbours. It warns that Nottingham City Council Housing Services will take firm action to deal with those carrying out unacceptable behaviour.

### **6.3 Responsible tenant reward scheme**

The responsible tenant reward scheme promotes the key themes of rent, responsibility and respect recognises those tenants that act responsibly and pay their rent, look after their homes and are good neighbours. The scheme promotes positive behaviour change and tenants that have been subject to ASB legal enforcement action, have been abusive towards a member of staff or have been warned about the condition of their garden are disqualified from the scheme.

Information about the responsible tenant reward scheme can be found on our website.

#### **6.4 Introductory and starter tenancies**

Nottingham City Council has adopted the use of introductory and starter tenancies and grant introductory or starter tenancies to all new Nottingham City Council tenants, unless:

- they were already a secure tenant immediately before they moved i.e. mutual exchange.
- they are moving into a property not owned by Nottingham City Council, this could be a property owned by a registered provider and managed by Nottingham City Council Housing Services or a property owned by Nottingham City Homes registered provider. In this case, an assured or assured short-hold starter tenancy will be used.

An introductory tenancy will automatically become a secure tenancy after twelve months unless a legal notice to extend it for a further six months has been served, or an application has been made for a possession order. This could be for any breach of the tenancy agreement, such as rent arrears or antisocial behaviour.

An assured short-hold Starter Tenancy will automatically become an assured tenancy after 12 months unless a notice to extend it has been served or an application for possession has been made.

The use of introductory tenancies and starter tenancies provides a positive message to both new and existing tenants that anti-social behaviour will not be tolerated by Nottingham City Council Housing Services.

#### **6.5 Demoted tenancies**

Nottingham City Council Housing Services will continue to make the best use of the provision of the Anti-Social Behaviour Act 2003 for the demotion of a secure or assured tenancy on the grounds of anti-social behaviour.

If a Demoted Order is granted by the County Court, then for one year the tenancy will be reduced to status very similar to that of an introductory tenant and repossession during this time is easier.

#### **6.6 Family intervention tenancies**

Nottingham City Council Housing Services work closely with the Family Intervention Project (FIP) to identify families requiring intensive support and to encourage the required change of behaviour through outreach FIP work at the existing home or through the provision of a Family Intervention Tenancy where appropriate, in accordance to the Housing and Regeneration Act 2008.

#### **6.7 Prevention**

Directly and through working with our partners we aim to provide a range of prevention,

intervention and rehabilitation measures. These include:

- Carry out regular ward walks that involve local people, Ace Inspectors and partner agencies.
- Designing out opportunities for crime and anti-social behaviour through planned maintenance and improvement programmes, including our Decent Neighbourhood schemes.
- A clear message at sign up and regular promotion of tenant responsibilities.
- Promoting acceptable behaviour through resident and community groups and by working with young people in schools.
- Working with the Crime and Drugs Partnership, Nottinghamshire Police and Neighbourhood Action Teams to ensure agencies work together to tackle specific local issues.
- Identifying risks and support needs through a process of assessment, for example, when registering new applicants for housing and during tenancy visits.
- Nottingham Secure, Warm and Modern.
- Deliver or work with partners to deliver diversionary activities.
- Regular communications highlighting the work of Nottingham City Council Housing Services to tackle anti-social behaviour.
- Making referrals to other agencies for support and intervention, for example:
  - Floating support services
  - Adult Social Care Services
  - Children and Families Social Care Services
  - Family Intervention Project / Priority Families
  - Education
  - Youth Justice Service
  - Drug and Alcohol services
  - Mental health support services

## **6.8 Early intervention**

Nottingham City Council believes that firm early intervention in incidents of ASB will prevent it from continuing or escalating. We recognise that effective early intervention provides relief and support for the victim. The options that we will consider include:

- Interviewing the alleged perpetrator, discussing the problem, including helping with support needs if necessary.
- Referral to mediation or restorative solution.
- Verbal and written warnings.
- Early intervention letter.
- Escalation of warning.
- Solicitor's letter before action.
- Anti-social Behaviour Contracts.
- Parenting Contracts.
- Referrals for support.
- Referrals to other services / agencies.
- Referral to Nottinghamshire Fire Service (home safety check, fireproof letterbox).
- Garden Assistance Scheme.
- Bulky waste removal service.
- Referral to the Family Intervention Service.

## **6.9 Enforcement**

In cases of serious or persistent ASB, or where offers of support have been refused and the behaviour has not improved, Nottingham City Council will consider appropriate enforcement action to protect the

welfare of victims and potential victims. The options that we will consider include:

- Civil Injunction
- Criminal Behaviour Order (CBO)
- Committal proceedings following a breach of a Civil Injunction or Criminal Behaviour Order
- Community Protection Notice (CPN)
- Notice to extend an introductory tenancy
- Notice of proceedings to demote a secure tenancy
- Notices of possession proceedings of an introductory, secure or demoted tenancy
- Notice of Proceedings Absolute Ground for Possession
- Possession or demotion proceedings (following the relevant tenancy Notice)
- Parenting Order
- Closure Power – in partnership with the police
- Exclusion from the Housing Register
- Application to Suspend the Right to Buy application.

Eviction (possession) proceedings will be considered as a last resort where intervention techniques have not brought about lasting improvement. The exception to this is where the behaviour is deemed as very serious, for example, where there is sufficient evidence that a tenant, member of their household or visitor are involved in the supply of drugs and the supply is connected to the tenancy.

The ASB, Crime and Policing Act 2014 introduced the Absolute Ground for Possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court, with the purpose being to expedite the eviction. In certain circumstances, as detailed in Schedule 2 of the ASB Crime and Policing Act 2014, the Absolute Ground for Possession will be considered.

## 7. Multi-agency partnership working

Dealing with anti-social behaviour and hate crime can be complicated, with many causes and effects. As such, it cannot be tackled by a single agency acting alone. For this reason, Nottingham City Council Housing Services will continue to work closely in partnership with other agencies.

There is an established partnership structure within Nottingham to tackle anti-social behaviour and hate crime of which Nottingham City Council is a partner together with Nottinghamshire Police and the Nottingham Community Safety Partnership. The partnership has developed an approach that uses a problem-solving method for identifying hotspots, preventing and tackling anti-social behaviour, hate crime and domestic abuse and supporting victims and witnesses.

There will continue to be regular information sharing, joint action planning and joint working between officers from different agencies at a strategic and operational level.

Nottingham City Council Housing Services has supported and will continue to support community safety initiatives such as Neighbourhood Watch schemes and days and weeks of action programmes.

### 7.1 Community Protection (CP)

This is a service provided by Nottingham City Council and is uniquely positioned within Nottinghamshire Police to be the bridge between criminal and civil enforcement.

Nottingham City Council Housing Services and Community Protection have joint working arrangements, which are detailed in The Nottingham City Council Housing Services and Community Protection Service Level Agreement. The Service Level Agreement sets out the working arrangements between Nottingham City Council Housing Services and Community Protection to ensure the delivery of an effective anti-social behaviour service.

ASB cases including hate crime cases will be commissioned by Nottingham City Council Housing Services to CP where either of the following applies:

- enforcement action is required
- the perpetrator is not connected to a Nottingham City Council managed tenancy, but the ASB affects the housing management function.

## **7.2 Statutory Nuisance**

Where appropriate we will work with Nottingham City Council Community Protection Department to take all reasonable steps to investigate a complaint of a statutory nuisance, examples of which include:

- Noise (domestic and industrial)
- Vandalism
- Graffiti
- Flyposting
- Litter / dumped rubbish
- Fly-tipping
- Abandoned vehicles.

With regard to statutory noise nuisance, the Council Environmental Health Officers can prosecute offenders, who can be subject to an Abatement Notice, a fine and seizure of equipment.

In cases where an abatement notice is breached Nottingham City Council will consider enforcement action, including possession proceedings using the Absolute Ground for Possession.

## **7.3 Nottinghamshire Police**

Nottingham City Council Housing Services is represented at Neighbourhood Action Team meetings at a local operational and citywide strategic level. Information is shared and the different agencies are tasked appropriately to seek evidence of anti-social behaviour and take action against perpetrators.

### **Criminal proceedings**

- Referrals will be made to the police whenever anti-social behaviour is suspected to be associated with crime.
- The police may inform Nottingham City Council Housing Services of criminal action being taken against one of its tenants, a member of their household or a visitor to their home. Nottingham City Council may consider possession proceedings, including the Absolute Ground for Possession where the tenant, a member of their household or a visitor is convicted of an indictable offence, or the offence relates to any breach of tenancy conditions.
- It is a criminal offence to intimidate or harass a witness and we will inform the police should we be informed or suspect this is happening. We will also pursue civil enforcement action to protect witnesses.

## **Criminal Behaviour Order**

The Criminal Behaviour Order (CBO), introduced by the ASB Crime and Policing Act 2014 is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court. The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.

Nottingham City Council Housing Services work with Nottinghamshire Police and where the tenant, a member of the tenant's household, or a person visiting the property has breached a Criminal Behaviour Order, Nottingham City Council Housing Services may consider possession proceedings, including the Absolute Ground for Possession.

## **Closure Power**

Nottinghamshire Police and Nottingham City Council have powers under the ASB Crime and Policing Act 2014 that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

We will work with Nottingham City Council Community Protection and Nottinghamshire Police to identify these premises and ensure that action is instigated appropriately and within the closure period.

## **Dispersal Power**

Nottinghamshire Police have powers under the Anti-Social Behaviour Crime and Policing Act 2014, which can be used in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. The power is preventative as it allows an officer to deal instantly with someone's behaviour and nip the problem in the bud before it escalates.

Nottingham City Council will work with Nottinghamshire Police to identify potential areas and will ensure that appropriate intervention, enforcement measures and long-term solutions are applied to support the effectiveness of the Dispersal Power.

## **Community Protection Notice (CPN)**

A Community Protection Notice (CPN) allows for Nottingham City Council Community Protection or Police officers to issue a notice, following warning, if certain behaviours are taking place. The behaviour has to have a detrimental effect on the quality of life of people in the locality, be persistent and be unreasonable.

Breach of the Community Protection Notice is a criminal offence punishable by a fixed penalty notice or a fine or court enforcement. This notice does not replace or override the local authorities' responsibilities under the Environmental Protection Act 1990.

Where a Community Protection Notice is identified as the appropriate tool to use, Nottingham City Council Housing Services will work with Nottingham City Council Community Protection.

## **7.4 Family Intervention Project (FIP)**

The Family Intervention Project (FIP) works with families in Nottingham who have reached crisis

point and who are likely to be facing the loss of their home without major changes in behaviour. The model is one intensive and “assertive support” that aims to tackle causes rather than symptoms. It aims to provide effective interventions to complex problems by providing a joined-up package of services.

Nottingham City Council Housing Services will continue to work closely with FIP to identify families requiring this level of intervention and to encourage the required change of behaviour through outreach FIP work at the existing home or through the provision of a Family Intervention Tenancy where appropriate, in accordance with the Housing and Regeneration Act 2008.

## 8. Dealing with alleged perpetrators

Nottingham City Council Housing Services recognises the need to contribute where it can to the rehabilitation of alleged perpetrators and in tackling the root causes of anti-social behaviour and hate crime. We will continue to provide alleged perpetrators with the opportunity to exhibit a change in their behaviour, even where legal action has commenced or has been taken.

Alleged perpetrators will be given an opportunity to present their response at each stage of enforcement action. We will inform them of any right to a formal review of a decision to take enforcement action.

If a complaint is made about you, we will:

Speak with you within 5-7\* working days from when the complaint is made\*\*

- Inform you of the allegations being made and listen to your response. \*\*
- Give you the opportunity, where appropriate, to rectify your behaviour and get support.
- Let you know where we believe you have breached your tenancy or leasehold agreement.
- Where appropriate, discuss with you options such as an Anti-Social Behaviour Contract or a Parenting Contract, before taking formal legal action.
- Provide you with written notice of any legal action we intend to take against you and the reasons for that action. \*

\*In accordance with raised and standard risk timescales.

**\*\*Except where there is violence or the threat of violence involved when we will consider taking immediate legal action without notice. In this event, you will have the opportunity to state your case in court.**

### 8.1 Vulnerable Perpetrators

Nottingham City Council will always consider issues of vulnerability, for example, disability, physical and mental health conditions or drug and alcohol use. In such cases, we will apply the relevant provisions of the Equality Act 2010 and other relevant legislation.

We will make sure support needs are assessed and that we involve relevant agencies and seek the intervention and support of partner agencies as appropriate. A multi-agency case conference may be called in some cases to find a way forward to stop the anti-social behaviour.

### 8.2 Juvenile perpetrators

We recognise young people who perpetrate anti-social behaviour may have complex support needs. We will seek to provide support and intervention in liaison through Children’s Services,

Priority Families, Family Intervention Project and Youth Offending Service.

Where enforcement action against an individual under 18 is being considered, Nottingham City Council Housing Services will work with partners to ensure that relevant agencies are consulted and made aware of the proposed course of action.

Where child-safeguarding concerns are identified, Nottingham City Council Housing Services will ensure a safeguarding referral is promptly made in accordance with the Safeguarding Vulnerable Adults and Children procedure.

## 9. Abuse of employees

9.1 Nottingham City Council considers that its employees, contractors, and those of any other agency working in or around property managed by us in connection with our housing management function, should be able to work in a safe environment. Whenever they are subject to abuse, threats or violence, we will not hesitate to take legal action against perpetrators, including seeking injunctions. We will also consider taking demotion or possession proceedings if they are our tenants or are a member of their households or were visiting the tenant's property when the incident occurred.

9.2 Additional actions that we may take include:

- Placing their name on Nottingham City Council's Violent Persons' Database.
- Agreeing on contact arrangements with Nottingham City Council Housing Services.

## 10. Hate crime / hate incidents

10.1 Nottingham City Council Housing Services will not tolerate hate-related incidents caused to someone because of their colour, race, nationality, age, health, disability, mental health, sexual orientation, marital status, gender, religious belief or faith, health status or alternative subculture.

We will take proportionate action against those who perpetrate hate incidents motivated by hate and prejudice against others.

We recognise that hate incidents can take many forms, ranging from verbal abuse to physical as well as attacks on homes and property.

10.2 Definition of hate crime

Nottingham City Council defines a hate incident as:

**Hate crime involves any incident, which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic. Hate crime can be motivated by disability, gender identity, race, religion or faith and sexual orientation.<sup>1</sup>**

## 12. Disputes involving owner-occupiers and tenants of private landlords

Nottingham City Council Housing Services will work with Community Protection the Police and

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<sup>1</sup> Home Office (2012) Challenge it, Stop it, Report it – The Government's plan to tackle Hate Crime.

other agencies to investigate and consider actions to be taken on complaints received from our tenants and leaseholders against owner-occupiers and tenants of private landlords.

Tenants applying to purchase their council home under the Right to Buy will be informed of the responsibilities of an owner or leaseholder. Before the purchase, they will have to sign a contract or lease that will include obligations to ensure that they, their household or visitors do not cause anti-social behaviour.

We will apply to the court to suspend an application under the Right to Buy where there is an intention to take enforcement action against the tenant because of anti-social behaviour.

Following a Right to Buy enforcement action may be taken against an owner-occupier /leaseholder if they break their obligations not to cause or allow anti-social behaviour.

### **13. ASB Case Review (Community trigger)**

The ASB Case Review enables victims of anti-social behaviour to request a multi-agency case review where their report meets a certain threshold.

The Home Office defines the community trigger as ‘giving victims and communities the right to request a review of their case and bring agencies together to take a joined-up, problem solving approach to find a solution’.

The victim or another person acting on their behalf, such as a family member, MP or councillor, can request a Community Trigger review by contacting Nottingham City Council.

Nottingham City Council Housing Services is committed to working with partners to undertake multi-agency case reviews where the community trigger is activated.

### **14. Confidentiality and data protection**

All monitoring and recording will be undertaken in conjunction with Nottingham City Council’s policies on confidentiality, access to information and data protection and will be compliant with the Data Protection Act 1998 and GDPR.

Interviews and conversations with customers about personal and sensitive matters will be carried out in private. We will treat all reports of ASB and hate crime confidentially Nottingham City Council Housing Services will seek victims’ permission to disclose victim details to the alleged perpetrator, their legal representatives or anyone else acting on their behalf. Victims will be advised that the nature of the complaint may indicate the identity of the victim, and therefore Nottingham City Council Housing Services will seek the permission of the victim to interview the alleged perpetrator.

Nottingham City Council will not disclose information to third parties or other organisations without the customer’s consent, except in cases where we have a legal or statutory duty to do so, or where passing on relevant information would be essential to carrying out our duties and safeguarding individuals or preventing crime and anti-social behaviour.

Individuals have the right to request access to the information we hold about them, and we will provide such information on request. We will of course withhold information relating to other people. We will not disclose files to alleged perpetrators that refer to confidential information about victims.

The Housing Services Privacy Notice can be viewed on our website or a copy made available on request.

## **15. Information sharing**

An information sharing agreement exists between Nottingham City Council and Nottinghamshire Police. This sets out the procedure for the sharing of information regarding anti-social behaviour. All information shared will comply with the information sharing agreement and relevant legislation and guidance.

We will share information at Police tasking meetings and case conferences to reduce crime and disorder in accordance with the Crime and Disorder Act 1998 Section 115.

In addition to sharing information to resolve ASB and hate crime we will also share appropriate information with statutory agencies where we have reason to believe that there are safeguarding concerns, or where someone may be at risk.

## **16. Communications**

We will use publicity to raise awareness of anti-social behaviour and hate crime and provide information about how to report anti-social behaviour and hate crime to us. An anti-social behaviour communications plan supports this activity.

## **17. Translation and language**

Nottingham City Council Housing Services will arrange for translations of its documents into different languages and will make available documents in Braille, large print, and recorded onto tape whenever the need is known or requested.

We will arrange for an interpreter to be available when necessary for interviews with victims and witnesses of anti-social behaviour and perpetrators.

For victims and witnesses who are not comfortable with writing out Observation Sheets, a Dictaphone will be offered as an alternative.

## **18. Monitoring and review**

We will monitor our performance and customer satisfaction levels through a set of performance indicators and customer satisfaction surveys.

This policy will be reviewed bi-annually or as required to reflect any legislative change, developments in best practice or customer suggestions.

## **19. Feedback**

We will give customers the opportunity to provide feedback on the service received through our customer satisfaction survey.

Nottingham City Council Housing Services welcomes suggestions and complaints from people who use or provide our services. We believe that this can provide some important lessons to help us

ensure that the service continues to improve.

Compliments, comments or complaints can be made:

- by phone 0115 915 7333 (Monday to Friday 8:30am-4:30pm)
- by e-mail [feedback@nottinghamcity.gov.uk](mailto:feedback@nottinghamcity.gov.uk)
- Or contact us in writing at: Nottingham City Council Housing Services, Customer Relations Team, Loxley House, Station Street, Nottingham, NG2 3NG.

## Document change history

Date	Issue no.	Section / page	Details of change	Authorised by
February 2015	3.0	Section 1 and 4	Details of harm centred approach inserted	H Fottles
February 2015		3.2 National Standard for Incident Recording (NSIR)	New section inserted. Recognition of national standard of incident reporting categories.	H Fottles
February 2015		New section 3.3 Problem solving	Insert new section on problem solving. 5 stage model and problem-solving.	H Fottles
February 2015		5. Supporting victims and witnesses of anti-social behaviour	Removed reference to victim support policy whilst policy is under development.	H Fottles
February 2015		6.3 Responsible Tenant Reward	Responsible Tenant Reward scheme details inserted.	H Fottles
February 2015		6.2 The Tenancy Agreement	Removed extract from the tenancy agreement. Not required in a policy document.	H Fottles
February 2015		6.4 Introductory Tenancies	Reference to starter tenancies inserted.	H Fottles
February 2015		6.7 Prevention	Reference to ward walks, Family Intervention Project and Priority Families.	H Fottles
February 2015		6.9 Enforcement	The enforcement section updated to include new tools and powers introduced by the ASB Crime and Policing Act 2014.	H Fottles
February 2015		7.1 Community Protection	Community Protection section updated to include Community Protection Notice.	H Fottles
February 2015		7.3 Nottinghamshire Police	Section updated to reflect new tools and powers introduced by ASB Crime and Policing Act 2014.	H Fottles
February 2015		8.2 Juvenile perpetrators	Reference to Priority Families inserted. The requirement to consult with YOT when considering enforcement action.	H Fottles
February 2015		9. Abuse of employees	Replaced removal of perpetrators licence to visit housing office and replaced with agree on contact arrangements with Nottingham City Homes.	H Fottles
February 2015		10. Hate Crime and hate-related incidents	Title of section amended. Definition of hate crime updated to the Home Office 2012 definition. NCH recognition of hate crime/incidents targeted to alternative subcultures.	H Fottles
February 2015		11. Domestic abuse	Definition updated to Home Office 2013 definition.	H Fottles

February 2015		13. Community Trigger	New section. Details of Community Trigger	H Fottles
February 2015		14. Confidentiality and data protection	Section transferred from communications section.	H Fottles
February 2015		15. Information sharing	New section inserted	H Fottles
February 2015		16. Communication	Reference to Communication Plan. Removed reference to confidentially, data protection and information sharing to a new section detailed above.	H Fottles
February 2015		18. Monitoring and Review	Reference to performance management and customer satisfaction survey.	H Fottles
February 2015		19 Feedback	Insert reference to customer satisfaction survey and Customer Resolution Team.	H Fottles
April 2019		Section 1	Introduction updated to reflect NCH Group.	H Fry
April 2019		Section 11 Domestic Abuse	Domestic abuse definition updated to include clarity on coercion and control	H Fry
April 2019		Section 10	Hate crime section updated	H Fry
June 2020		Throughout the document	Title of risk assessment matrix updated to impact assessment	H Fry
June 2020		Throughout the document	Job titles and meeting titles updated.	H Fry
March 2020		ASB	What is not ASB section inserted	H Fry
March 2022		Domestic Abuse	Definition updated	H Fry
March 2022		Throughout the document	Content reviewed and updated	H Fry
October 23	4.0	Throughout document	Logo / style and text changes to reflect NCH transition to NCC	H Fry
August 2024		Removal of domestic abuse from the policy	Removal of domestic abuse. Separate policy in place,	H Fry