

North Yorkshire Council

Executive Member for Culture, Arts and Housing

10 July 2024

Anti-Social Behaviour Policy (Landlord Services) Consultation

Report of the Corporate Director Community Development

1.0 PURPOSE OF REPORT

- 1.1 To seek permission from the Executive Member for Culture, Arts and Housing to undertake consultation on the Council's draft landlord policy for Anti-Social Behaviour

2.0 SUMMARY

- 2.1 This report highlights the need for the Council to undertake consultation on its draft landlord Anti-Social Behaviour (Landlord Services) policy. This policy harmonises the three existing policies which remain in operation in the former Harrogate, Richmondshire and Selby council areas.
- 2.2 Registered Providers (and which includes North Yorkshire Council) are required by law to meet the expectations set out in the Regulator of Social Housing's consumer standards (Neighbourhood and Community Standard). The policy has been updated to ensure that we can fulfil the expectations set out in this particular standard.
- 2.3 There is an accompanying Good Neighbourhood Management policy which sets out what the Councils' response will be to concerns raised by tenants, but which do not meet the threshold of ASB. This is deemed to be best practice in this area of housing management.

3.0 BACKGROUND

- 3.1 The Housing Service includes Landlord Services responsible for the management of the current housing stock and which is primarily located across the Harrogate, Richmond, and Selby, localities. It is necessary to adopt an Anti-Social Behaviour policy to set out how we will respond to tenants' concerns who are affected by this issue as well how we will deal with any tenants who may be responsible for carrying out such acts within our communities.

4.0 ANTI-SOCIAL BEHAVIOUR POLICY

- 4.1 This proposed policy is a revised policy developed in partnership with a specialist external practitioner to ensure that it is up to date, reflects current best practice and ensures that we remain compliant with the Regulator of Social Housing's consumer standards.
- 4.2 In line with current best practice, a supplementary Good Neighbourhood Management policy has also been developed.
- 4.3 It is in accordance with North Yorkshire Councils consultation principles that a public consultation be carried out before this policy is adopted. It is intended that the consultation will run for 4 weeks with the specific date yet to be determined.

- 4.4 The draft document will be published on the consultation area of the NYC website. The consultation will be promoted to tenants and stakeholders via tenant newsletter, our involved tenants and stakeholder networks. As part of the consultation activity customer journey mapping will also be undertaken with residents who have lived experience of reporting of, being the victim of or being accused of anti-social behaviour.
- 4.5 The results of our consultation activity will be analysed and taken into consideration in the review of the policy and outcomes will accompany the subsequent policy decision report.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 5.1 The policy contributes principally to the following Council priorities:
- Place and Environment: Communities are supported and work together to improve their local area.
 - People: People are free from harm and feel safe and protected.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 As a registered provider of social housing, it is a legal requirement to comply with the Regulator of Social Housing's consumer standards (Neighbourhood and Community Standard). Specifically, this particular standard states that, 'Registered providers must have a policy on how they work with relevant organisations to deter and tackle anti-social behaviour in the neighbourhoods where they provide social housing.'
- 6.2 North Yorkshire Council has already self-referred to the Regulator indicating that it is non-compliant with a number of requirements across the consumer standards. Failing to harmonise this policy could create a risk of additional non-compliance and further undermine the organisations' credibility.

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are no anticipated financial implications associated with consulting on this draft policy.

8.0 LEGAL IMPLICATIONS

- 8.1 It is a requirement of the Regulator of Social Housing Transparency, Influence and Accountability standard for a Registered provider, 'to take tenant's views into account in their decision making about how landlord services are delivered and communicate how tenant's views have been considered.'
- 8.2 It is also good practice and in line with North Yorkshire Councils own consultation principles to consult on a policy which concerns a significant number of its residents (tenants).

9.0 EQUALITIES IMPLICATIONS

- 9.1 An initial Equalities Impact Assessment screening form has been completed and reviewed internally. (Appendix C)
- 9.2 No detrimental effects were identified by the Equalities Impact Assessment screening form however we will complete a full Equalities Impact Assessment following the conclusion of the consultation process as previous versions are now significantly out of date.

10.0 CLIMATE CHANGE IMPLICATIONS

10.1 A climate change impact assessment screening form has been completed acknowledging that there are no significant impacts. (Appendix D)

11.0 POLICY IMPLICATIONS

11.1 The draft Anti-Social Behaviour policy will replace the three existing Anti-Social Behaviour policies. The policy will be supplemented by the accompanying Good Neighbourhood Management policy.

11.2 The landlord service would adopt both policies following approval.

12.0 RISK MANAGEMENT IMPLICATIONS

12.1 The Council (in its role as Social Housing Landlord) risks not being compliant with the Regulator of Social Housings' consumer standards.

13.0 COMMUNITY SAFETY IMPLICATIONS

13.1 There is a clear link to the work of colleagues in Community Safety and consequently they will be one of the key stakeholders to consulted with during the consultation.

14.0 REASONS FOR RECOMMENDATIONS

14.1 It is a requirement of the Regulator of Social Housing Transparency, Influence and Accountability standard for a Registered provider, 'to take tenant's views into account in their decision making about how landlord services are delivered and communicate how tenant's views have been considered.'

14.2 It is in accordance with North Yorkshire Councils consultation principles that a public consultation be carried out before this policy is adopted.

15.0 RECOMMENDATION(S)

It is recommended that approval is given to publicly consult, using the methodology outlined, on the draft Anti-Social Behaviour policy and the accompanying Good Neighbourhood Management policy.

APPENDICES:

- Appendix A – Draft NYC Anti-Social Behaviour policy
- Appendix B – Draft NYC Good Neighbourhood Management policy
- Appendix C – Equalities Impact Assessment screening form
- Appendix D – Climate Change Impact Assessment

BACKGROUND DOCUMENTS: none

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10 July 2024

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Presenter of Report – Andrew Rowe, Assistant Director for Housing

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

North Yorkshire Council Landlord Services - Anti-Social Behaviour Policy

This document sets out our approach to managing Anti-Social Behaviour (ASB) reports for North Yorkshire Councils' Landlord Service and is designed to comply with our legal requirement within the ASB Act 2004, as it relates to ASB policies.

This policy sets out the core principles of our service. It should be read in conjunction with our ASB procedure, which details the steps that we take when managing cases of ASB to comply with the content of this policy.

This policy applies to all types of occupancy that we own and/or manage, including but not limited to introductory tenancies, secure tenancies, leases, licences etc. For this policy, the use of the term "tenancy agreement" applies to all of these occupancy types.

Associated Frameworks

This policy is informed by and should be read in conjunction with the following (not exhaustive):

Legislation:

- Housing Act 1985
- Crime and Disorder Act 1998
- ASB Act 2004
- ASB, Crime and Policing Act 2014
- GDPR and Data Protection legislation
- Human Rights Act 1998
- Equality Act 2010

External policy/strategy:

- The Consumer Standards (as set by the Regulator of Social Housing)
- The Home Office ASB Principles
- The ASB, Crime and Policing Act 2014 Statutory Guidance

Internal policy/strategy:

- Good Neighbourhood Management
- Hate Crime
- Domestic Abuse
- ASB Case Review
- Information Sharing Protocol
- Safeguarding
- Vexatious, persistent, unreasonable complainants
- Appeal process for serving notice to end an Introductory Tenancy/rely on the mandatory ground for possession.

Policy Principles

Our ASB service is underpinned by the following principles:

- We seek to work transparently and fairly with those who report ASB, taking an objective, evidence-based approach to our investigations and decision making.
- We adopt a harm centred approach to ASB, considering the behaviour type and the impact/circumstances of the behaviour. We use this to make key decisions such as whether a report meets our definition of ASB, the category to assign it and the necessary/proportionate action to take to resolve it.
- We work with our partners to deter and tackle ASB. We recognise there may be times where we are not the best agency to lead on a case but seek to establish this without unnecessary delay and may continue to support the case when another agency takes the lead.
- We seek to identify and understand risk and vulnerability in relation to all parties involved in a case, taking the necessary action to mitigate this risk where appropriate.
- We consider the full range of tools and powers when deciding the best course of action in a case, including informal and legal tools. Whilst our preference is always to resolve issues using informal means, we will consider the most proportionate response in each case. There may be times where a partner agency has a tool better suited to resolve harm and we will work with them to determine how best to manage the case.
- We seek to empower and involve the reporter in our response to ASB. There may be things that we require a reporter to do in a case and we will ensure we are clear on what is required and that it is reasonable within the circumstances.

Section 1 – What is ASB

Our Definition

1. We are responsible for deciding whether a report meets our threshold to be considered ASB. We adopt a two-stage approach for this decision making:
 - I. Does the behaviour meet the statutory definition of ASB?
 - II. Is the behaviour unreasonable?
2. We use the statutory definition of ASB that is detailed in Part 1 of the ASB, Crime and Policing Act 2014:
 - 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. We recognise that this threshold (particularly in relation to housing related ASB) is low, and that different people have different tolerances, expectations and perceptions in relation to whether behaviour is appropriate or not. So that we do not class something as ASB when it would be inappropriate to do so, we also apply a reasonableness test considering factors such as:
- Intention of behaviour
 - Root cause of the behaviour
 - Frequency
 - Duration
 - Times occurring
4. Our Good Neighbourhood Management Policy sets out the types of behaviour that we are unlikely to consider to be ASB. It also details the steps that we may take when we make this decision.

Domestic Abuse

5. We have a separate domestic abuse policy which should be referred to in relevant cases, however, reports of domestic abuse may also be considered under this policy. This is likely to occur where the domestic abuse is impacting upon others, e.g. causing noise disturbance to neighbours. We train our officers to recognise where reports of ASB may have been triggered from domestic abuse, ensuring that the most appropriate case management actions and decisions can be taken.
6. We recognise the need to act sensitively in these matters and to ensure that the needs of the victim/survivor of the domestic abuse are balanced against the needs of the wider community.

Hate Incidents

7. We recognise our regulatory responsibilities as a provider of social housing to deter and tackle hate incidents. We do so by:
- Categorising incidents of hate on our systems to ensure that we can recognise trends and/or hot spot areas. We will share this information with our partners, as well as use it to help determine whether any preventative work is required in certain areas/communities, such as awareness raising etc.

- Ensuring clear information on our website about how to report incidents of hate.
- Training our officers to recognise when an incident may be hate-related and how to deal with these reports appropriately.
- Working closely with our partners to ensure a holistic and effective response, taking into account the needs of the person experiencing the behaviour.
- Ensuring that we categorise hate incidents as high-risk reports, where appropriate to do so.
- Considering the harm that is being caused to the person experiencing the behaviour and taking proportionate action as a response. We will consider the full range of our tools and powers, as well as those of our partners when determining the best response.
- Using a victim risk assessment that seeks to identify where a report is hate related, as well as directing our officers to make referrals to internal or external support, where appropriate.

Behaviour towards employees and contractors

8. There may be occasions where the victim of ASB is one of employees or contractors. We will assess these matters on a case-by-case basis, considering the circumstances leading to the behaviour, the severity, the facts of the incident and the impact upon the person affected and may act in line with this policy as a result.

Section 2 – Remits and Responsibilities

9. We can act in cases that are 'housing-related'. This means that we can act against a non-tenant where their behaviour is affecting our tenants, communities or staff/contractors. We call these 'cross-tenure' cases.
10. We do recognise, however, that there will be times where we are not the best lead agency in a cross-tenure case. For example, where the person alleged to be causing the harm is a tenant of another social or private landlord, or where the person is known to the Police and/or Council and work is already ongoing.
11. We make efforts to identify other agencies that need to be made aware of a report and notify them quickly. We will work with them to determine a lead agency and whether continued support from us is required.
12. There will also be cases where another agency has the most suitable tool to resolve the case. Where we believe this to be the case, we will speak to the identified agency, agree an appropriate lead agency, and action plan.

13. Where a report of ASB constitutes a possible criminal offence, we will encourage the reporter to make the Police aware. Where the Police are investigating a criminal matter, we will work with them to determine whether it is appropriate for us to take parallel investigations, or whether it is more appropriate to await the outcome of their investigations first. Where a Police investigation has been concluded and no further action is to be taken by them, we may consider taking ASB/tenancy action depending on the circumstances of the matter and whether there is enough evidence to proceed.
14. If we feel that a case concerns behaviour that amounts to a statutory nuisance, we will consider whether we should refer the matter to the relevant Environmental Health Team to determine whether action under the Environmental Protection Act is appropriate.

Section 3 – Receiving Reports

How to report ASB

15. We aim to make reporting ASB to us as easy as possible and offer a range of different methods, including telephone, email, via our website etc. Our website provides further details on how to [contact us](#).
16. We will accept reports from third parties, such as elected members or support workers, however in most instances we will also need to speak directly to the person experiencing/witnessing the behaviour in order to progress our investigations.

Assessing and Triaging Reports

17. When we receive a report, we will work to quickly determine whether it meets our definition of ASB. We seek to ensure this is an informed decision and may, therefore, need to conduct some investigations before making this determination.
18. We also categorise reports based on risk and harm. We use the following categories:

Category	Types of behaviour	Response Time
High-risk	Domestic abuse, hate incidents, threats of or actual violence to person, or situations where the harm to the victim's health and well-being is high.	24 working hours

General	All other behaviours that are not environmental and do not fit into the high-risk category.	5 working days
Environmental	Examples include littering, graffiti, fly-tipping, dog fouling etc.	10 working days

19. The response time relates to the period between the case officer receiving the report and their attempts to contact the reporter to arrange an interview to discuss the matter further.
20. We also assess risk and vulnerability by using a vulnerability risk assessment (VRA). This is completed following an interview with the reporter. Depending on the outcome of the assessment, actions will be identified and taken to assist in reducing the risk level.
21. We recognise that risk can increase/decrease during an ASB case and, therefore, VRA are kept under review during the life of a case and changes in scoring responded to as appropriate.

Section 4 – Working with Parties in a Case

Social Responsibility

22. We wish for all communities within our areas to thrive. This requires cooperation, compromise and empathy from the residents living, working or visiting within these communities. We ask residents to be respectful and considerate with regards their behaviour, to listen when another person may raise concerns to them, and to try to find compromise and solution together.
23. In addition, our customers will have legal obligations within the agreements they hold with us. Whilst the exact wording of these obligations will depend on their own agreement, there will be conditions relating to behaviour, including ASB and criminal activity.
24. Our customers are responsible for their own behaviour, that of any household members (including pets) and any visitors to their property, at the address and within the locality of the address. There may be occasions where incidents occur outside of the locality but due to the status of the person
25. they are directed towards may be housing related. For example, where the behaviour is directed at a neighbour of the person causing the harm or one of our employee/s.

Support for Reporters

26. In addition to adopting practices aimed at identifying risk and vulnerability, we will also seek to support those who report ASB in other ways.
27. We will always ensure that we keep in contact with those reporting ASB, being clear, transparent and fair in our communication. We will update on progress of a case as much as we are able without breaching data protection laws. For example, actions in a case may relate to the needs and circumstances of a third party and we would be unable to share this information with the person reporting the ASB.
28. In addition to clear and regular communication, we also seek to support those experiencing ASB in other ways. The list below is not exhaustive and gives examples of what we may consider, dependent on the circumstances of each case:
- Referrals to internal support, such as tenancy support services
 - Referrals to external support, such as local charities or voluntary organisations, for example, Victim Support.
 - Referrals to safeguarding or health providers, such as mental health teams or GPs.
 - Liaising with partners to identify target hardening opportunities.
29. Where we take legal action in ASB cases we often require evidence from residents. We understand that this can be a daunting experience and will seek to ensure appropriate support is made available to the witness should they wish to accept it. Sometimes the support available will depend on the area we are working/the Court we are using, but types of support may include:
- Signposting to advice and guidance on being a witness, such as specialist websites.
 - Arranging a pre-court visit to allow the witness to familiarise themselves with the environment.
 - Helping arrange transport.
 - Arranging a separate entrance to the court and waiting room
 - Accompanying the witness around the court building
 - Ensuring they have time to speak with our legal representative to seek clarification to any questions or concerns they may have.

Support for those causing the harm

30. We do understand that those people causing the harm may have needs and vulnerabilities themselves. Whilst we do not consider this to be a justification for causing harm to others, we do recognise that helping to meet these needs can benefit all parties, bringing resolution of the ASB for the person suffering and improving the wellbeing of the person causing the harm too.
31. Through our case management processes we seek to identify and understand the needs that a perpetrator may have. This includes:
- Triaging and assessing reports effectively, with a focus on understanding the root cause of the problems, ensuring that we recognise when the person causing the harm may also be a victim (e.g. of exploitation)
 - Using internal systems to see whether we hold information which assists us in understanding needs.
 - Working with our partners to seek out and share information about needs.
 - Discussing matters with the perpetrator and enquiring whether they require support.
32. Where support needs are identified we will determine appropriate responses which may include:
- Referrals to internal support, such as tenancy support services
 - Referrals to external support, such as local charities or voluntary organisations
 - Referrals to safeguarding or health providers, such as mental health teams or GPs.
33. We adopt a twin-track approach in most cases, where we will offer support whilst also taking the appropriate action to try and prevent further ASB, recognising that we also must balance the needs of the person/s suffering the harm. For this reason, where we recognise the need for support, but it is not available or accepted, we may continue to take action to deal with the ASB. Equally, if the support is accepted but we believe the person is not fully engaging or disguised compliance is occurring, we may continue to act appropriate to reduce the harm to those suffering.

34. We understand our duties under the Equality Act and will:

- Seek to understand whether the perpetrator has a disability as defined by this legislation and whether the ASB reported is linked. Where we believe it is, we will assess whether intended action is a proportionate means to a legitimate aim before deciding to proceed.
- Ensure that we have complied with our obligations in relation to the public sector equality duty. Before deciding to take legal action we will complete an equality act assessment to evidence this compliance.

35. In all cases where we are considering legal action, we will complete a proportionality assessment to ensure that our decision is necessary and proportionate.

Section 5 – Working with Partners

36. There are few ASB cases that can be resolved effectively as a single agency response. Most will require engagement with other statutory and non-statutory partners. Examples of agencies we work with include the Police, other housing providers, social care, public health providers, the fire service and third sector organisations.

37. In relation to partnership working, we seek to:

- Identify appropriate partners to involve in a case and engage with them.
- Share information that is relevant to a case, to fully understand risk and vulnerability and ensure that we take the most proportionate and effective actions.
- Develop a joint action plan that clearly identifies a lead agency and the required actions of all involved.
- Be clear on the extent and limitations of our role and responsibilities.
- Seek the views of others before commencing legal action to ensure there is no duplication and the solution proposed is most suitable.

Information sharing

38. Effective partnership working relies on information sharing. We will ensure that we are sharing information with others where we have a clear lawful basis and legitimate purpose for doing so.
39. We are signatories to local information sharing protocols and commit to sharing, storing, using and retaining information as set out within.

Partnership forums

40. Partnership forums are designed to facilitate a multi-agency response to local issues, including ASB and related behaviour. We will attend and actively engage in those which are relevant to our work. We expect the same in return from our partners.
41. In addition, we may organise professionals' meetings in relation to individual cases to ensure that all information is known by all relevant bodies and that the most informed and appropriate decisions can be made in a case.

Section 6 – Tools and Powers

General Principles

42. Where we have the necessary evidence to determine that the ASB reported has occurred we will next consider what action is most appropriate to reduce the harm being caused. We do not adopt an incremental approach requiring us to take the lowest form of action first. We will consider many factors, such as severity, risk, frequency, needs etc, to determine what action is most proportionate. We aim to take the lowest form of action that we believe has a genuine chance of achieving the outcomes that we are seeking in a case.
43. In most cases, non-legal interventions will be the most proportionate form of action in the first instance. Save for the most serious forms of ASB, we will attempt to resolve matters through practical solutions, warnings and voluntary agreements before resorting to more formal approaches.
44. We rely on evidence to be able to act and often we will need those experiencing the ASB to provide this evidence. Evidence may include completed diary sheets, CCTV or video doorbell recordings, reports to agencies or signing a witness statement. Where we are unable to obtain this evidence, it is unlikely that we will be able to act. Save for the community protection notice, our powers rely on the Court deciding to grant the order when we request them to.

Prevention

45. We seek to ensure that ASB does not occur in the first place. We do this in a range of ways which include but are not limited to:

- Using a sensitive allocations/lettings policy
- Making customers aware of responsibilities at sign-up
- Operating an introductory tenancy regime
- Making advice and guidance available to customers and residents
- Working with partners to host community events and take part in estate walkabouts etc.
- Looking at environmental improvements, such as better lighting etc.

Self-help

46. We seek to empower those reporting harm to be part of the solution, believing that this often results in the best outcomes for all involved. Indeed, sometimes the involvement of an agency can exasperate a situation that could otherwise have been amicably resolved between the parties. Where we believe it is appropriate to do so, we may ask parties to:

- Speak to the person causing them concern first to try and find a solution.
- Consider a reasonable change in behaviour or routine to improve the problem.
- Engage in mediation.

47. Where a party refuses to cooperate with our suggestions, without good reason, we may not be able to take any further action.

Informal actions

48. There are a range of informal methods that we use to resolve harm in ASB cases. These include, but are not limited to:

- Practical solutions, such as environmental improvements
- Mediation
- Warning letters
- Cautions
- Meetings
- Acceptable Behaviour Contracts
- Good Neighbourhood Agreements

Legal actions

49. Where we believe it is necessary and proportionate, and we have the required evidence, we may consider legal action in an ASB case.

50. We have several tools that we can use or apply for as a response to ASB, which the table below summarises:

Tool	Purpose
Tenancy action	Where a breach of tenancy has occurred, we can act as a result. For introductory tenancies we have the option to extend the introductory period or to seek to end the tenancy. For secure tenancies, we can seek a suspended possession order or outright possession order on the relevant discretionary and/or mandatory ground. We may also apply for a demotion, which reverts a secure tenancy back to the equivalent of an introductory tenancy. These actions all require us to serve a legal notice first and where we do so to end an introductory tenancy, demoted tenancy or are relying on a mandatory ground, we must offer the tenant a right to appeal this decision. We may also seek to vary an existing suspended possession order (e.g. for rent arrears) to include ASB.
Injunctions under Part 1 of the ASB, Crime and Policing Act 2014	These orders contain conditions which are designed to prevent further harm. They may require the person to stop doing certain things or require them to do specified things. They are available for persons over the age of 10 and a breach can result in a fine and/or a custodial sentence. Where the person with an injunction is a tenant (or linked to a tenant's property), a breach may also result in possession action under the mandatory ground.
Criminal Behaviour Orders	These orders are like an injunction but can only be applied for where we are prosecuting someone for a criminal offence. We are more likely to support the Police in securing such an order, but may consider seeking them ourselves in limited circumstances, such as where we are prosecuting a breach of community protection notice. Where the person with a criminal behaviour order is a tenant (or linked to a tenant's property), a breach may also result in possession action under the mandatory ground.
Closure Orders	A closure order is a temporary (up to 6 months) power that can be applied to a premises (including a defined area of open space). It has the impact of closing the area where it applies. This can be flexible allowing certain categories of people to

	<p>remain able to use the area, or to limit the times of day where it applies. A closure notice must be issued before seeking an order. Where a closure order is granted at a tenant's property it may also result in possession action under the mandatory ground.</p>
<p>Community Protection Notices</p>	<p>A community protection notice (CPN) can be issued to anyone over 16 or to businesses, where the legal test is met. It includes conditions in relation to things the recipient must stop doing or actions they must complete. Failure to comply in a criminal offence and can result in a range of sanctions, including a fixed penalty notice. A community protection warning must be issued first.</p>

51. Sometimes the legal tool most suitable is not one that we have legal recourse to. In these instances, we will work with the partner who can use this tool, offering support to their case if appropriate. Examples of where this might occur where the Police are taking criminal action and a Criminal Behaviour Order could be applied for, or where the person causing the harm is the tenant of another social housing provider and action under the tenancy agreement is considered more appropriate.

Section 7 – Communication

52. We seek to engage with our residents and customers about the service which we provide. We also encourage feedback and use this to continuously improve our delivery.

Publicising

53. Publicising actions that we take in ASB cases can assist in reassuring communities, encouraging reporting and deterring those causing ASB. Some of the legal action that we take requires the support of the local community to help us monitor compliance and publicity helps raise awareness of what the person has been asked to do.

54. We decide on whether to publicise, and the extent/methods of doing so, on a case-by-case basis, by considering factors such as the age and circumstances of the person causing the harm, the objectives we are seeking from the publicity, necessity and proportionality.

Feedback and complaints

55. We welcome feedback in relation to the service we provide and further details about how to share this with us can be found on our [website](#).

56. We seek to use any feedback received to continuously improve the service that we deliver.

Confidentiality

57. We may receive anonymous reports of ASB. This can make it challenging for us to investigate the matter, as we may not have all the information we need to be able to do so. We will assess anonymous reports, considering whether the severity of the behaviour reported requires further investigation, whether there is a clear reason for why the report has been made anonymously and whether there are any opportunities for investigating further that do not require knowledge of who the reporter is.

58. Sometimes reporters may wish to remain confidential. Whilst we will not name the reporter, we are required to disclose and discuss the details of the report with the person alleged to be causing the harm. There may be times where the nature of the report makes it clear who is likely to have made the report.

59. In addition, there are times where our legal obligations mean that we are unable to promise confidentiality. For example, if a person tells us something that is a criminal offence, or we believe they are a risk to themselves or to others.

Vexatious, unreasonable and persistent complainants

60. Whilst we wish to encourage reports of ASB, there are times where this reporting can be inappropriate. This may be where:

- The report is malicious, false or exaggerated.
- The reports relate to matters that we have already decided on and there is no new information.
- The reporting is so persistent that it is having an unreasonable impact on our time and resources.

61. We will seek to understand the reason for these types of reporting, for example, whether the contact arise from an unmet support need or whether we have missed opportunity to intervene or made an incorrect decision. However, where the reporting is unreasonable, we may take action to try and limit the impact, through means such as restricting contact or considering the reporting as ASB and applying the principles of this policy.

The ASB Case Review

62. The ASB Case Review is a legal process that every local authority area must have in place with its partners. It allows resident who are concerned about the progress or outcome of their ASB case to request a review, which can result in recommendations being made.

63. Details about our local ASB Case Review process can be accessed [here](#)

Section 8 – Performance

Training and development

64. Managing cases of ASB can be complex, requiring a wide range of skills, knowledge and experience. Through supervision, we seek to identify the needs of case officers, sourcing relevant training courses or materials where appropriate. We also aim to keep officers updated on changes in regulation, legislation and best practice, via training, attendance at webinars etc.

65. Case officers also attend regular case supervision sessions where they can seek advice and support in relation to casework.

Performance management

66. We undertake a number of activities focussed on ensuring that we are delivering a well-performing service and are continuously learning and improving. These include:

- Case file audits to ensure compliance with policy and process.
- Reviewing customer feedback to identify opportunities for service development.
- Reviewing outcomes from service complaints, ombudsman enquiries and ASB case reviews to identify opportunities for continuous improvement.

Review of policy

67. This policy will be reviewed in line with our policy review cycle (every 3 years). This may occur earlier if there is a change in legislation or regulation which necessitates it.

North Yorkshire Council - Good Neighbourhood Management Policy

Purpose

Anti-social behaviour (“ASB”) is a term that relates to a wide range of behaviour types and the law does not provide a set list of what is and what is not ASB.

Sometimes, we will receive reports where it would not be appropriate to adopt an ASB approach. This might be because the behaviour being reported is reasonable; because the facts of the matter do not meet the requirements to be considered ASB, or because factors such as the environment or health and wellbeing are at the root of the problem.

We recognise that trying to deal with situations like these using an ASB approach is likely to frustrate and escalate matters.

This policy is designed to outline our considerations, actions and limitations when dealing with issues that do not suit management under our ASB policy.

Policy Principles

The following principles underpin this policy:

1. We will triage and assess all reports that are made to us to understand the most appropriate approach to adopt for managing them. This will be done using a harm centred approach, considering both the behaviour reported and the impact it is having.
2. We take an informed approach to our decision making and will ensure that we have enough information to be able reach an accurate decision when triaging and assessing reports.
3. We will communicate the outcome of the triaging and assessment to the person making the report, ensuring they are clear on which policy/approach will apply to their concern.
4. We recognise that reported behaviour can change in terms of severity and that something initially assessed as being a ‘good neighbourhood management’ issue can evolve into ASB. We will continue to reassess our decision in a case each time a new report is received, making sure we do not miss an opportunity to intervene.
5. The purpose of this policy is not to find fault or blame. Often in these matters there will not be a ‘wrong doer’. Rather, our focus is on fostering good relationships, identifying practical solutions and ensuring correct support is in place. We seek to understand the root cause of the problems and the solutions that have the best chance of dealing with this. We are, therefore, extremely unlikely to consider legal actions as a response to matters that we are dealing with under this policy.

6. In many situations that are appropriate for management under this policy we seek to empower the parties involved to find their own solutions and adopt the suggestions that we think helpful.
7. At all stages, we will consider the support needs of the parties involved in a matter dealt with under this policy. We recognise that sometimes personal circumstances may affect a person's tolerance, perception or ability to cope with certain situations. When we recognise that this could be a contributory factor, we will work to identify suitable referrals and support.
8. We may not always be able to assist with a situation that is dealt with under this policy as a single agency. There will be times where we may work with our partner agencies to share information and identify the best possible support and guidance we can offer to parties.

Defining and Assessing Reports

9. When we receive a report relating to a behaviour concern, we will assess it to decide whether it reaches our threshold to be considered under our ASB policy or whether a good neighbourhood management approach is more appropriate.
10. When deciding whether a report should be dealt with under this policy, we will consider the following:
 - The type of behaviour that is being reported, how serious it is and whether it is reasonable activity or not.
 - How often the behaviour is happening, the times that it is taking place and how long it is happening for.
 - The needs of the parties involved.
 - The impact that the behaviour is having on the parties involved and/or the wider community.
 - The root cause of the issue and whether there is intention to cause harm.
11. Whilst the list is not exhaustive, the below details some of the types of situations that are more likely to be dealt with under this policy, as opposed to our ASB policy:
 - I. Reports relating to behaviour that rarely meet our definition of ASB, such as:
 - Parking
 - DIY
 - Kids playing

- Animals fouling where it is reasonable (e.g. a roaming cat)/ not behaviour encouraged by an owner to cause nuisance to others.
- Use of appliances, such as washing machines.

II. Neighbour disputes – we define these as situations where a disagreement has occurred between several parties, there is no clear victim and no clear person causing the harm, and all parties are contributing to the disagreement. In addition, the behaviour at the heart of the disagreement is unlikely to meet our definition of ASB.

These disputes may arise from the following:

- Parking
- Boundaries
- The use of communal gardens
- Lifestyle differences
- Social media
- Behaviour of children

III. Matters where there is no intention to cause harm and/or the behaviour causing the harm is reasonable. Examples may include:

- Noise that arises from reasonable activities but is causing a nuisance due to environmental issues, such as poor sound insulation in a property or a lack of carpets on laminate floors.
- Nuisance that arises as a direct result of a disability and/or illness.
- Perceived nuisance that arises because of a disability and/or illness.

12. We will seek to ensure that our decisions are sound, meaning that they are fully informed and free from bias or assumption. This means that we may need to undertake some investigative work before we are able to determine the types of responses we may take. This may include, but is not limited to:

- Carrying out interviews with the parties involved in a report.
- Conducting wider investigations, such as speaking to other neighbours, using noise capturing equipment, liaising with our partner agencies etc.
- Asking parties to take certain actions.

13. Once we have determined how a matter should be managed, we will communicate this promptly and clearly to the relevant parties.
14. Where new reports and/or new information is available in a case, we will review our decision and determine whether we need to change approach and deal with the matter under our ASB policy.

Specific Behaviour Types

CCTV and Video Doorbells

15. There has been a significant increase in the domestic use of CCTV and video doorbells. Any person who uses these devices has a responsibility to do so within the law. Further information about these responsibilities can be found on the Information Commissioner Office's website.
16. We are unable to enforce breaches of these laws. Concerns should be referred to the Information Commissioner Office and/or the Police. We may offer advice and guidance to parties involved or refer the matter to mediation if we think this could assist, but we are very unlikely to take a form of legal enforcement action.
17. Where the use of the CCTV cameras and/or video doorbells is causing significant nuisance or harm then we will assess the report and decide whether it meets our definition of ASB. If we believe that it does, we will deal with the matter in line with our ASB policy and procedure.
18. If a resident informs us that they have recorded incidents of ASB on CCTV and/or video doorbells we will request a copy of this recording. We require sight of the full incident, including periods of time immediately before and after the incident itself. A failure to provide such information may mean we are unable to progress our investigations further.

Cannabis Smoking

19. We may receive reports relating to a resident smoking cannabis in and around their home. We do not class cannabis smoking in itself as ASB. These matters should be reported to the Police, either directly or via CrimeStoppers. Our tenancy agreements do contain conditions relating to criminal activity. If the Police take criminal action in response to the cannabis, then we may take our own tenancy action because of this criminal action.

20. We may consider the impact of the cannabis smoking to be ASB in certain circumstances. For example, where the smoke/odour arising from its use is having an impact on the health of the person experiencing the smoke. To act in this way, we do require evidence of the impact that the smoke is having and may require the person experiencing the harm to provide medical evidence.
21. Where we feel appropriate, we may work with the person smoking the cannabis, requiring them to take practical steps to limit the impact, refer parties to mediation so the impact of the behaviour can be understood and agreement made between the parties to limit the harm, or make referrals to drug support/education for the person smoking the cannabis.
22. Should the person smoking state that it is for medical use, we will require evidence of this or will progress the matter on the basis that it is for recreational use until such a time the evidence is provided to show otherwise.

Risk and Vulnerability

23. We recognise that if a report is not a matter which we consider to be ASB, it does not necessarily follow that there is low risk of harm and/or no vulnerability. In fact, sometimes a person's needs can be a contributing factor to how they perceive, respond to, or are impacted by, behaviour.
24. We consider harm at assessment stage and when we are deciding how to respond to a report. We will also complete a risk assessment after we have interviewed the person making the report, to determine the types of support that they may require.

Roles and Responsibilities

25. We believe that everyone has a social responsibility to be a good neighbour and resident. This includes being courteous and respectful to others.
26. Many of the situations that will be managed under this policy will require the cooperation, compromise and good will of the parties involved. Effective resolution may require parties to make reasonable changes to their behaviour and/or environment, to accept to undertake processes such as mediation, to accept advice and support that is offered etc.
27. Our ability to assist in these cases will be reduced where parties are not willing to cooperate with us in these ways and may mean that we can assist no further and the case is closed.

Partnership Working

28. Often reports dealt with in line with this policy will be complex, requiring a multi-agency response to bring resolution. This is particularly important where the situation is being exasperated by the unmet needs of either or all parties involved in a matter. We are limited to actions that are within the realms of our experience and capabilities and will require the cooperation of other agencies.
29. To facilitate partnership working in good neighbourhood management cases we will consider and action the following, where appropriate to each given case:
- Refer any safeguarding/well-being concerns to the relevant agency.
 - Share information with partners to ensure full information is known by all relevant parties, allowing informed and appropriate decisions to be made.
 - Arrange a professional meeting to create a clear action plan for case management.

Possible Solutions

30. The focus of our work when dealing with matters in line with this policy is to foster good relationships and to improve the health and well-being of parties involved. Legal action is very unlikely in cases managed under this policy.
31. We will consider appropriate solutions on a case-by-case basis, but examples include:
- Providing advice and guidance, signposting to education services/websites etc.
 - Inviting parties to be put of creating a solution, which may be written into a voluntary agreement (e.g. residents in a block creating agreed guidelines for use of communal areas).
 - Referring parties to mediation. This might involve providing details of private services that the parties can source or making a referral to the mediation service that the Council funds via the Community Safety Team.
 - Referrals to safeguarding, health services, support etc.
 - Exploring practical solutions such as carpeting, slow-release door hinges, soundproofing, anti-vibration mats etc.
32. These examples are not exhaustive, nor will they be appropriate in all cases. The appropriate solution will be determined based on what is relevant, likely to bring resolution to the problems and is available and cost-effective.

33. Where a party refuses to engage with the solution offered, without good reason, we may be unable to provide any further assistance and need to close our involvement in the matter.

Closing a case

34. There are several reasons why we may close a case dealt with under this policy, including:

- The problems have been resolved or reduced to a level that parties agree is reasonable.
- Either or all parties are not engaging/cooperating. We will always seek to understand the reason for non-engagement/non-cooperation and whether it is reasonable in the circumstances/whether there are alternative options/support we can offer, before deciding to close the case for this reason.
- There is no further action that is reasonable or available to us.

35. We will inform the parties involved in the case that we are withdrawing our assistance, ensuring they are clear where to report any further concerns in future.

36. Should any party express dissatisfaction in the management of the matter then details will be provided of our internal complaints service, as well advising them of their legal right to utilise the local ASB Case Review Process.

Persistent, Malicious or Unreasonable Parties

37. We understand that a party may be disappointed with our decision not to class their report as ASB, or the solutions that we offer. We aim to ensure that we are clear, transparent and fair, providing information about the reason for our decision.

38. Contact that we consider to be unreasonable includes:

- Making reports that a party knows to be untrue, exaggeration or with malicious intent.
- Making repeated contact to report or discuss issues that we have previously decided on, without providing any new information.
- Making contact so frequently or in such a way that it creates an unreasonable demand on the capacity or resource of the service.

39. In these instances, may feel necessary to take action against the party in line with the corporate policy relating to persistent reporters.

Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Community Development		
Service area	Housing Management & Landlord Services		
Proposal being screened	Revised ASB policy and supplementary Good Neighbourhood Management policy		
Officer(s) carrying out screening	Carl Doolan Head of Housing Management & Landlord Services Vanessa Crane ASB Officer Guy Dollimore ASB Officer John Ward ASB Officer		
What are you proposing to do?	To consult on the Revised ASB policy and supplementary Good Neighbourhood Management policy		
Why are you proposing this? What are the desired outcomes?	<p>It is a requirement of the Regulator of Social Housing Transparency, Influence and Accountability standard for a Registered provider, 'to take tenant's views into account in their decision making about how landlord services are delivered and communicate how tenant's views have been considered.'</p> <p>It is also good practice and in line with North Yorkshire Councils own consultation principles to consult on a policy which concerns a significant number of its residents (tenants).</p> <p>The desired outcomes are that we deliver a policy that is compliant with the above and also meets any equality requirements.</p>		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No. It is effectively harmonising 3 existing policies into one.		
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	

APPENDIX C

Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	<p>Yes.</p> <p>Parties involved in ASB / neighbour disputes often have other challenges such as mental health and which can make resolution harder.</p>		
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	<p>No.</p> <p>The service is already delivered in partnership with others such as the Police, Community Safety, HASC and voluntary organisations.</p>		
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA: ✓
Reason for decision	<p>There is no evidence available from the former legacy organisations to confirm that EIA's were carried out on the existing policies and therefore we are opting to complete a full one on this occasion.</p>		
Signed (Assistant Director or equivalent)	Andrew Rowe		
Date	17-06-2024		

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Anti-Social Behaviour policy (revised)
Brief description of proposal	<p>To harmonise the three existing legacy ASB policies into one updated version.</p> <p>Registered Providers are required by law to meet the expectations set out in the Regulator of Social Housing's consumer standards (Neighbourhood and Community Standard).</p> <p>At present we still have the three legacy policies created by the former Harrogate, Richmondshire and Selby councils and which are all significantly out of date and risk non-compliance with the regulatory framework.</p>
Directorate	Community Development
Service area	Housing
Lead officer	Carl Doolan
Names and roles of other people involved in carrying out the impact assessment	Ollie Braithwaite Climate Change Officer


The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	Choose an item.	Choose an item.	No effect on emissions
Waste	Choose an item.	Choose an item.	No effect on waste
Water use	Choose an item.	Choose an item.	No effect on water usage
Pollution (air, land, water, noise, light)	Choose an item.	Choose an item.	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	Choose an item.	Choose an item.	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	Choose an item.	Choose an item.	No effect on ecology
Heritage and landscape	Choose an item.	Choose an item.	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:		Continue to full CCIA:	
Reason for decision	<p>The harmonisation of the two existing allocation schemes is not considered to have any adverse climate impacts.</p> <p>Consideration will however be given to data storage as part of any procurement process and for the project group to ensure that climate impacts are integral to any decision.</p>			
Signed (Assistant Director or equivalent)	Andrew Rowe			
Date	14/06/24			