

# Populo Living

## Anti-Social Behaviour (ASB) & Hate Crime Group Policy

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Department	Customer Services
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# Anti-social Behaviour and Hate Crime Policy

## 1. Policy Summary

**1.1** Preventing and tackling anti-social behaviour and hate crime is a priority for Populo Living. Left unchallenged, anti-social behaviour can have a significant detrimental impact on people's lives.

**1.2** Populo takes a victim-centred approach to the way we manage anti-social behaviour and hate crime, where the impact of what is being reported by the victim is considered. Our approach to dealing with cases of domestic abuse is dealt with in line with our Domestic Abuse and Safeguarding related policies. We have a statutory obligation to ensure that policies and procedures comply with the following legislation and regulatory standards (not an exhaustive list):

- The Housing Act 1985, 1988, 1996, 2004
- Public Order Act 1986
- Sex Discrimination Act 1986
- Children Act 1989
- Environmental Protection Act 1990 & Noise and Statutory Nuisance Act 1993
- Protection From Harassment Act 1997
- The Crime & Disorder Act 1998
- Human Rights Act 1998
- Homelessness Act 2002
- Anti-Social Behaviour Act 2003
- Criminal Justice Act 2003
- The Racial and Religious Hatred Act 2006
- The Equality Act 2010
- Gender Recognition Act 2004
- Racial and religious Hatred Act 2006
- Anti-Social Behaviour, Crime and Policing Act 2014
- Care Act 2014
- Modern Slavery Act 2015
- General Data Protection Regulation as supplemented and varied by the Data Protection Act 2018
- **Regulator Of Social Housing – Neighbourhood and Community Standard**
- Safeguarding Vulnerable Group Act 2006

## 2. Policy Scope

**2.1** This policy sets out how we aim to prevent anti-social behaviour and hate crime or intervene promptly when it does occur and take firm action against persistent perpetrators.

**2.2** The policy provides officers and our customers guidance on how we will deal with complaints of anti-social behaviour from or in relation to Populo Living and Populo Homes customers, people living with them or visitors to their home.

**2.3** We recognise that anti-social behaviour and hate crime must be tackled in partnership with others, such as the relevant local authorities and police, and any other relevant local partners.

### **3. Policy Principles and Aims (including definitions)**

#### ***Anti-social behaviour***

**3.1** The Anti-social behaviour, Crime and Policing Act 2014 defines anti-social behaviour 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.

**3.2** Under the terms of the Housing Act 1996 (s.218A), anti-social 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 Populo Living Group. "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 or immoral purpose.

#### ***Hate crimes and hate incidents***

**3.3** A hate crime or hate incident is any incident that is perceived, by the victim or any other involved person, to be motivated by hostility or prejudice against a person based on their actual or perceived disability, race, religion, sexual orientation, or gender identity. In addition, some local authorities, police forces and organisations also consider crimes or incidents that are perceived to be motivated by hostility or prejudice against a person based on other actual or perceived differences to be hate crimes / incidents.

**3.4** Hate crimes can include:

- Threatening behaviour
- Assault
- Robbery
- Damage to property

- Inciting others to commit hate crimes, and harassment.

**3.5** Where the term 'hate crime' or 'hate crime and harassment' is used throughout this document, this is used to cover both hate crimes and hate related incidents.

#### ***Types of Anti-social behaviour***

**3.6** Anti-social behaviour can range from nuisance behaviour to serious or criminal activity. Anti-social behaviour includes, but is not limited to:

- Persistent noise nuisance, such as regular parties, or loud music being played between 11pm and 7am
- Verbal abuse, harassment, intimidation, threatening behaviour
- Hate related behaviour and incidents
- Vandalism and damage to property
- Drugs misuse/dealing (including cultivation, manufacture, supply and use of drugs and other substance misuse)
- Alcohol-related anti-social behaviour
- Physical violence, including threats of violence
- Littering and rubbish
- Misuse of communal areas/public spaces/loitering
- Using your home for immoral purposes
- Serious squalor and or persistent serious hoarding causing nuisance, pest infestation and / or fire risk
- Environmental nuisance such as overgrown gardens and inappropriate use of private spaces.
- Inappropriate use of balconies (for example excessive storage of goods and or barbeques).
- Any other criminal behaviour not included in the categories above, for example arson.

#### ***Behaviour not usually classed as Anti-social behaviour***

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

- Household noise due to everyday living (such as babies crying, doors closing, toilet flushing, vacuuming, use of washing machine or other general household noise)
- Young children playing
- Ball Games
- One-off parties or celebrations between 7am and 11pm
- Cooking smells
- DIY at a reasonable time, between 7am and 11pm.
- Someone parked lawfully

**3.8** In these circumstances we would ask all parties involved to speak to their neighbour where appropriate or voluntarily take part in mediation services. If customers decide they do not wish to take part in mediation, we may not be able to intervene, and customers will be advised of their options to seek resolution themselves.

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

**4.1** We will ensure that everyone can access our service through all our communication channels.

**4.2** A report of anti-social behaviour can be made in the following ways:

- By telephone
- In-person
- In writing
- By email
- Through a third party e.g. local Councillor, Community Safety Team

**4.3** All reports made in person, phone or hello@populoliving.co.uk will be acknowledged within 3 working days, unless the case is a priority risk in which case we will respond within 1 working day (24 hours). On receipt of the initial incident report, we will complete an initial report and assessment.

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

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

**4.6 Priority Risk:** 24 hours (1 working day)

**4.7** Hate crime; domestic abuse; violence or threat of violence and other serious intimidation will always be treated as a priority risk response.

**4.8 Standard Risk:** 5 working days

**4.9** Where the alleged perpetrator has been identified, we will aim to carry out an interview, if appropriate and in agreement with the victim, within the following timescales:

- **Priority Risk:** 5 working days
- **Standard Risk:** 10 working days

**4.10** We will arrange for the removal of offensive graffiti (any involving vilification or obscenity) within 24 hours of the report being made.

#### ***Supporting victims and witnesses to anti-social behaviour***

**4.11** We are committed to supporting witnesses and victims of anti-social behaviour and hate crime.

**4.12** 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.

**4.13** We will therefore ensure any support needs identified are met directly by us or through liaison with other agencies, such as victim support agencies, or any agencies currently working with the victim / witness.

**4.14** We will maintain regular contact with victims, ensuring they feel valued and empowered.

**4.15** We understand that our customers may have strong connections with their neighbourhood and community and have invested substantially in their home. Rather than move victims, we will work with them to deal with perpetrators.

**4.16** However, in the most serious and potentially threatening situations, and where it has been assessed as appropriate, we will consider rehousing victims, with their agreement. In these instances, we will arrange with LB Newham's Housing Needs and Lettings Team to present an urgent Management Transfer case.

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

**4.17** The tenancy agreement or lease places an obligation on customers to act reasonably and have consideration for neighbours. It warns that we will take firm action to deal with those causing anti-social behaviour. The relevant Populo Living member of staff will make new and existing customers aware of their obligations at the earliest opportunity, for example at tenancy / lease sign up.

#### ***Early intervention***

**4.18** We believe 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. We will intervene at the earliest opportunity to provide victims and communities relief from further antisocial behaviour.

#### ***Enforcement***

**4.19** In cases of serious or persistent anti-social behaviour or where offers of support have been refused and the behaviour has not improved, we will work with our partners, such as the police and local authority to consider appropriate enforcement action to protect the welfare of victims and wider community.

#### ***Multi-agency partnership working***

**4.20** 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, we will continue to work closely in partnership with other agencies.

**4.21** We work with local authorities, the police and other agencies and use problem-solving methods for identifying hotspots, preventing and tackling anti-social behaviour and hate crime and supporting victims and witnesses.

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

**4.23** We have supported and will continue to support community safety initiatives.

#### ***Statutory nuisance***

**4.24** Where appropriate, we work with statutory partners, including the relevant local authority and police, to take all reasonable steps to investigate a complaint of statutory nuisance, examples of which include:

- Persistent noise nuisance
- Vandalism
- Graffiti
- Flyposting
- Litter / dumped rubbish
- Abandoned vehicles

#### ***Dealing with perpetrators***

**4.25** We recognise the need to contribute where we can to the rehabilitation of perpetrators and to tackle the root causes of anti-social behaviour and hate crime. We will continue to provide perpetrators with the opportunity to exhibit a change in their behaviour, even where legal action has commenced or has been taken.

**4.26** 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.

#### ***Vulnerable perpetrators***

**4.27** We 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 / or other relevant legislation as well as work with relevant agencies to ensure they have appropriate support, where applicable and available.

#### ***Juvenile perpetrators***

**4.28** We recognise young people who cause 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 (where available) and Youth Offending Services.

#### ***Disputes involving owner occupiers and tenants of other private landlords***

**4.29** We will work with the relevant local authority, the police and other agencies to investigate and consider actions to be taken on complaints received from our customers against owner-occupiers and tenants of private landlords.

### ***Anti-social behaviour case review and community trigger***

**4.30** As referred to in the Government’s Anti-social Behaviour Action Plan in March 2023, the Community Trigger will be relaunched as Anti-social Behaviour Case Review (ABCR), this is a tool which enables victims of anti-social behaviour to request a multiagency case review where their report meets a certain threshold.

**4.31** Previously the Home Office defined 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’.

**4.32** 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 Newham Council’s community safety team.

**4.33** We are committed to working with partners to undertake multi-agency case reviews where the community trigger is activated.

### ***Contractors***

**4.34** We expect any contractor working for or on behalf of Populo Living to be vigilant and report any observed or reported instances of Anti-Social Behaviour to us.

**4.35** Through our procurement processes will ensure all contractors working on our behalf understand Anti-Social Behaviour, resident safety and safeguarding risks.

### ***Information sharing***

**4.36** An information sharing agreement exists between us and relevant statutory partners. 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.

**4.37** 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.

**4.38** 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.

### ***Exceptions***

**4.39** There may be certain circumstances under which the terms of this policy may be reconsidered. Colleagues should be mindful of customer vulnerabilities and their specific needs. Extenuating circumstances will be assessed on a case-by-case basis, and exceptions may be applied that require empathy and flexibility, to ensure that customers are treated fairly, compassionately and with respect.