

Housing and Communities Overview and Scrutiny Panel - 22 January 2025

Housing Landlord Anti-Social Behaviour (ASB) Strategy and Policies

Purpose	For review
Classification	Public
Executive Summary	<p>Under Section 218A of the Housing Act 1996 local housing authorities, as landlords, are required to prepare and publish policies and procedures in relation to ASB.</p> <p>The Social Housing Regulation Act (2023) places additional focus on housing landlords to prevent and tackle ASB.</p> <p>The ASB strategy and accompanying ASB Policy, Hate Crime Policy & Good Neighbourhood Management Policy aim to give a clear statement on the Council's approach to how it responds to reports, and the way the Council intends to work with residents and relevant partner organisations to combat these challenging areas.</p> <p>These policies are proposed to be approved ahead of formal consultation of the Council's Housing Landlord ASB Strategy which will formalise the Council's vision and wider commitments to preventing, responding to, and tackling ASB in our housing stock (once adopted), as it is important robust policies are in place as soon as possible, due to regulatory change.</p> <p>The Strategy will formalise the Council's vision and commitments to preventing, responding to, and tackling ASB once adopted.</p>
Recommendations	<p>That the Housing and Communities Overview and Scrutiny Panel:</p> <p>1. consider the draft ASB, Hate Crime, and Good management policies and make</p>

	<p>recommendations to the Portfolio Holder for Housing and Homelessness.</p> <p>2. consider the proposed ASB Strategy and make recommendations for cabinet and formal consultation.</p>
<p>Reasons for recommendations</p>	<p>The Regulator of Social Housing launched its new regulatory framework on 1 April 2024. The new Regulatory standards relating to ASB are contained within the Customer Standards including Neighbourhood and Community Standards, Tenant Involvement and Empowerment Standard and the Tenants Satisfaction Measure Standards, which stipulate:</p> <p>Safer Neighbourhoods standards</p> <ul style="list-style-type: none"> • Registered providers must have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing. • Registered providers must clearly set out their approach for how they tackle and deter hate incidents in neighbourhoods where they provide social housing. • Registered providers must enable ASB to be reported easily and keep tenants informed about the progress of their case. • Registered providers must provide prompt and appropriate action in response to ASB, having regard to the full range of tools and legal powers available to them. • Registered providers must support tenants who are affected by ASB, including by signposting them to agencies who can give them appropriate support and assistance. <p>The Council’s current ASB Policy was adopted in 2013. Subsequently there has been a significant shift in legislation, regulation, and good practice.</p>
<p>Ward(s)</p>	<p>All</p>
<p>Portfolio Holder(s)</p>	<p>Councillor Steve Davies</p>

Strategic Director(s)	Richard Knott – Housing and Communities
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Introduction and background

1. Under Section 218A of the Housing Act 1996 local housing authorities, as landlords, are required to prepare and publish policies and procedures in relation to ASB.
2. The Council’s housing service is the largest social housing landlord in the district. NFDC has a significant role to play in managing our estates, neighbourhoods and communities to ensure that they are safe and welcoming environments that encourage harmony amongst all residents. To do so, the housing service must continue to develop preventative measures and early intervention measures to prevent ASB occurring and escalating.
3. The Ministry of Housing, Communities and Local Government (MHCLG) Regulatory Framework for local housing authorities is clear that as a landlord, the Council is required to deter and tackle ASB, and deter hate incidents in our neighbourhoods where we provide social housing.
4. The proposed strategy (Annex 1) sets out the Council’s priorities and approach to preventing and improving the co-ordinated response to housing related ASB, which builds on the longstanding work of the Safer New Forest Partnership. The Partnership will continue to take a strategic overview of Crime and ASB within the New Forest District area involving all our partners and commissioned services - including the Council’s landlord services.
5. The landlord ASB strategy is based on 4 strategic priorities:
 - Prevention & early intervention.
 - Managing risk and supporting Victims.
 - Work in partnership.
 - Putting tenants first.
6. The strategy has been developed based on the current legislative and regulatory requirements as well as current best practice, such as the recent housing ombudsman spotlight reports, written in response to complaints raised by tenants.

7. The strategy proposes that the council formally defines ASB as outlined in the Anti-Social Behaviour Crime and Policing Act 2014 Part 1 (S2):
 - 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.**
8. Under the council's current ASB Policy the adopted definition for ASB is modelled on the definition in Section 1 (1) of the Crime & Disorder Act 1998 which defines ASB as "**Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself**".
9. Whilst it is difficult to define ASB (as it is based on different views and tolerance) the definition under the Anti-Social Behaviour Crime and Policing Act 2014 as set out above, is widely accepted by housing providers and the Courts as the most suitable definition for ASB. It is therefore recommended the Council adopts this definition and the ASB Policy 2013 is updated to reflect this.
10. The draft strategy has been through informal staff consultation and whilst feedback from staff (including the Community Safety Team) was limited to minor changes to wording, overall, the feedback from the staff was supportive of the priorities and commitments.
11. As the strategy is proposed to be formally adopted by Cabinet, following external consultation, the proposed ASB Policy (annex 3), Good Neighbourhood Management Policy (annex 4) and Hate Crime Policy (Annex 5) are put forward to the Housing and Communities Overview and Scrutiny Panel for recommendations to the Portfolio Holder to consider ahead of publication, and ahead of the strategy consultation and approval. In normal circumstances the strategy consultation would influence any policy and procedures. However, there is a risk in this approach. The Council's current ASB Policy was adopted in 2013 (Annex 6), and whilst in many ways the Policy remains workable it is outdated, and the response to hate crimes are not sufficiently covered.
12. The 2013 Policy adopts a "low tolerance" approach to Nuisance and ASB. "Low tolerance" is not defined in the policy leaving it open to interpretation. Nuisance is generally a term used by Environmental

protection when referring to a “statutory nuisance” and it is not mentioned in the Crime and Disorder Act 1998’s definition of ASB. For this reason, most landlords have moved away from a “low tolerance” approach favouring either a “harm based” or “risk based” approach (where actions are determined via a risk assessment or harm matrix), most landlords will also make it clear what types of reports will be consider “anti-social”, “unreasonable” or a “nuisance”.

13. The 2013 Policy refers to the Council being a signatory to the RESPECT standard and charter. This standard was developed by the Department of Communities and Local Government in 2006. This has been superseded, most recently by the new regulatory framework on 1 April 2024, and the current policy has not kept up with other changes.
14. The updated ASB Policy has incorporated the current best practice which has been championed by the Regulator and Housing Ombudsman. This includes all ASB tools and powers available to the council - such as the use of Community Protection Notices / warnings and criminal behaviour orders which have replaced the “ASBO”. It will need to be again updated to reflect the upcoming changes in the forthcoming Crime and Policing Bill, where “respect orders” will be partially replacing existing Civil Injunction powers for adults, to ensure a wider range of penalties as breaches will be dealt with in the criminal courts, alongside the new power of arrest.
15. The Regulator of Social Housing & Housing Ombudsman Service has strengthened their investigative approach, and their response to landlord failings. Landlords have been notified of the increase in expected standards in a series of special reports from the Housing Ombudsman, who have published landlord complaints where evidence of maladministration has been found, with a large focus on ASB complaints from tenants.

In particular:

- The Ombudsman Spotlight on Noise complaints report
 - The Ombudsman Spotlight on Attitudes, respect, and rights
 - The Ombudsman Spotlight on Knowledge and Information Management report
16. Through these reports the Ombudsman has recommended that landlords provide a clear statement of the Council’s approach to ASB and the way it intends to work with residents and relevant, organisations to combat what is largely a social behavioural problem. It is clear that landlords should **support victims** and follow **a risk-based approach** to reports of ASB.

17. The ASB, Crime and Policing Act 2014 states that it is good practice for agencies to assess the risk of harm to the victim, and any potential vulnerabilities, when they receive a complaint about ASB. This should be the starting point of a case management approach to dealing with ASB complaints.
18. The suite of policies comply with Ombudsman findings and regulatory requirements, providing a commitment to this risk based approach in relation to cases of ASB.
19. In addition to the best practice guidance, and specifically in the ombudsman spotlight on noise, landlords have been repeatedly instructed to formalise their position on reports that don't meet the threshold to be reasonably considered ASB. In the Ombudsman 'Spotlight on Noise' complaints report they state:

“Landlords should have a proactive good neighbourhood management policy, distinct to the ASB policy, with a clear suite of options for maintaining good neighbourhood relationships and a matrix for assessing which option is the most appropriate. These options should include mediation, information sharing and community building events and, where appropriate, dedicated staffing. This will ensure that low level issues of neighbour friction are dealt with at the appropriate levels and not inappropriately handled as potential ASB. Landlords should engage residents in the development of the good neighbourhood management policy, including residents who have recently raised a formal complaint with the landlord, to assure themselves that it reflects the expectations of residents and will be effective.”

20. The updated ASB, new Hate Crime and new Good Neighbourhood Management Policies therefore seek to clarify the council's position on reports that are not considered ASB and what as a landlord NFDC will do to support tenants and residents around reports that may still cause a great deal of upset or harm. This is outlined in the Good Neighbourhood Management commitments.
21. Whilst the Hate Crime Policy is separate to the ASB policy, all these Policies should be read in parallel. The Hate Crime policy is designed to give a clear statement on how NFDC will respond to reports classed as hateful. This approach is often more supportive and focuses on the victims' needs and restorative Justice.

22. To reflect this change of approach, a new “How to be a good neighbour” leaflet has been developed, the NFDC website has been [updated](#), and new system processes are being introduced.
23. New staff response and case management processes have already been actioned to ensure the Council’s operational response to ASB reports mirrors the policy and data requirements of the new regulatory regime.
24. A new Neighbourhood Team has been created within existing budgets. Led by the Housing ASB & Neighbourhoods Manager this team will focus solely on the individual response to ASB reports as well as being a visible presence on estates and communal buildings.
25. Any policy changes resulting from the delivery of strategic actions will be incorporated into annual policy reviews.

Corporate plan priorities

26. Priority 2: Empowering our residents to live healthy, connected and fulfilling lives. The Corporate Plan 2024-28 states that delivery of this priority will be supported by the delivery of a new Anti-social behaviour strategy.

Options appraisal

27. The full range of policy requirements have been considered and it is deemed appropriate and proportionate for NFDC to publish the full suite of policies required by best practice and the regulatory framework.

Consultation undertaken

28. Informal consultation on draft ASB Strategy priorities and policies took place earlier this year with internal staff. Consultation responses supported the draft proposals. Formal strategy consultation is proposed in due course.
29. The draft policies have been shared with TIG and consultation responses supported the draft proposals. Formal strategy consultation is proposed in due course.

Financial and resource implications

30. Any expenditure required by the proposed strategy and policies will be met from existing budgets, which are provided to Housing Officers to tackle neighbourhood and community issues.

31. Failure to raise standards, meet regulatory requirements and respond appropriately to complaints could lead to fines and compensation levied by the Housing Ombudsman.

Legal implications

32. Under Section 218A of the Housing Act 1996 local housing authorities, as landlords, are required to prepare and publish policies and procedures in relation to ASB.
33. The Regulator of Social Housing launched its new regulatory framework on 1 April 2024 which outlines our requirements as a social housing provider.
34. The Policy supports appropriate legal remedies to tackle ASB where non-legal remedies have failed. This will involve action taken through the courts and solicitors.

Risk assessment

35. The delivery of these policies mitigates legal and financial risk to the Council.
36. The work of Officers in working in difficult circumstances, and priority of response to reports from vulnerable people is risk assessed in line with H&S and lone working procedures and the specific needs of high-risk individuals.

Environmental / Climate and nature implications

37. Whilst the report has no direct implications the work of the new Housing Neighbourhood team will include improving the condition of local housing neighbourhoods, including open spaces, and the positive contribution to neighbourhoods. This may present opportunities to contribute to the Council's neighbourhood and climate objectives.

Equalities implications

38. The proposed strategy and policies improve the response to ASB and hate crimes for victims of such behaviour. Reports of ASB are more often made by vulnerable people, and those with protected characteristics. The reporting process considers the needs of people with different backgrounds and needs, and a flexible and priority-based approach is defined by the policies, and the Council's aims are to positively support vulnerable people.

Crime and disorder implications

39. It is anticipated there will be potential indirect and direct positive impacts on the Council's tenants and neighbourhoods. The interventions proposed are likely to lead to an initial increase in the number of cases prosecuted in the courts, or by the Police, whilst long term interventions proposed should lead to a long-term reduction in crime and disorder.

Data protection / Information governance / ICT implications

40. The collection, retention and deletion of Tenant data is governed by GDPR and associated guidance. All data will be collected and maintained in line with the required legislation.

New Forest National Park / Cranborne Chase National Landscape implications

41. The new approach to ensuring the Housing Service positively contributes to housing neighbourhoods may involve increased partnership working with the National Park Authority where the Council's housing stock is also located.

Conclusion

42. The strategy will inform a longer-term framework of service delivery and partnering with local agencies and support in aligning our goals and resources with the corporate plan objectives.
43. The Policies are required in the shorter-term at a service level to improve service delivery and outcomes. Once the strategy is fully adopted the Policies will be updated in line with any changes required and will be continuously reviewed.
44. The Strategic Director for Housing and Communities will have authority to make amendments in consultation with the Portfolio holder for Housing.
45. The policies will support the Council by:
- Meeting the expectations of the regulatory framework,
 - Providing Neighbourhood Housing Officers a best practice procedural framework to follow
 - Providing tenants with a transparent victim centred process that seeks to resolve their reports with a range of measure to help resolve their case.

Appendices:

Appendix 1 – ASB Strategy 2025-2029

Appendix 2 – ASB Policy 2025

Appendix 3 – Good Neighbourhood Management Policy 2025

Appendix 4 – Hate Crime Policy 2025

Background Papers:

Spotlight Noise complaints
October 2022