

Anti-social Behaviour Procedure

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**ASB Procedure**

1. **Introduction**

As a social landlord, we are committed to tackling and preventing anti-social behaviour (ASB). We want to tackle ASB at an early stage, to ensure tenants and leaseholders feel safe and secure. Having a robust procedure in place will support the council to manage its housing stock.

The procedure will include detail on the following:

* End-to-end process for how housing management-related complaints of ASB will be managed, from initially reporting ASB to closing the case;
* Roles and responsibilities of the various stakeholders that contribute to the delivery of the procedure;
* Community trigger arrangements;
* Partnership arrangements;
* Early intervention and legal measures available to the council in accordance with the Anti-social Behaviour, Crime and Policing Act (2014);
* Support mechanisms to provide the appropriate help and support to the victim of ASB;
* The approach for rehabilitating perpetrators of ASB.

The purpose of the procedure is to expand upon the detail within the ASB Policy. The procedure will set out how the policy will be practically applied, in line with the legal and regulatory framework identified within this document and the Social Housing White Paper.

Finally, this document has been developed in line with Lambeth Council’s Borough Plan (2016-2021), as well as other relevant local and regional policy and strategy.

1. **Who is the procedure for?**

This document applies to all the identified teams within the council and external agencies that support the application of the ASB Procedure. It also acts as a guide for the following groups:

* Tenants and leaseholders that reside within Lambeth Council’s housing stock;
* Young people;
* Residents that may cause or be affected by ASB relating to the council’s housing stock.
1. **ASB Procedure Statements**

Following on from the ASB Policy, this procedure clarifies the various roles and responsibilities of the stakeholders involved in the delivery of Lambeth Council’s Housing Department’s ASB function.

* 1. **Roles and responsibilities of local agencies for tackling ASB**
		1. **Housing Tenancy Enforcement Team**

Responsible for the management of ASB within Lambeth Council’s Housing Department, and when ASB occurs in relation to the council’s housing management functions (properties and estates).

Specific responsibilities include the following:

* Pick up the complaint in the Northgate IT system, Lambeth website or via emails;
* Conduct interviews with the reporting person, witnesses, and the respondent. Categorise the type of ASB and categorise the risk. Identifying whether the reporting person might be vulnerable and engaging relevant partners i.e. adult social care or the mental health team). Will contact the police if a crime is alleged to have been committed;
* Provide the single contact for the notifying person for queries and updates in respect of the progress of the ASB case, throughout the procedure;
* Investigate claims of ASB and carry out case reviews with the reporting person;
* Casework management. This includes deciding on the most appropriate and proportionate intervention and legal measure to deal with ASB and instructing Legal Services;
* Supporting the completion of risk assessments to assess the vulnerability of the victim;
* Deciding on and writing to the relevant parties to notify that the case is being closed, with the reasons for closure;
* Supporting the review of cases under the community trigger procedure at the Community Trigger-Multi Agency Risk Assessment Conference.
	+ 1. **Metropolitan Police**

The Police become involved in reports of ASB when it is purported that a crime has been committed or is at risk of being committed. The police will also be involved if the victim, a witness, or any other individual calls the Police to report ASB. The Police will need to follow their own investigation procedure in these circumstances, which will be conducted alongside, but separate, to the ASB Team’s procedure.

The Police uniquely have the power to grant the Housing Tenancy Enforcement Team with a disclosure to enable a thorough investigative procedure and have dispersal powers. The Police have the power to apply for certain other legal powers, under legislation.

The Police have the power of arrest when a crime has been committed and when the respondent has breached the terms of an order that has been approved by the court, which has a power of arrest attached.

The Police are involved in, although do not lead, the review of cases under the community trigger procedure at the Community Trigger-Multi Agency Risk Assessment Conference. Also, from a statutory point of view, the police must be consulted on the procedure and any changes to the procedure. The Police work in partnership with the Tenancy Enforcement Team at the Partnership Tasking Group

The Police could be called as a witness to provide hearsay and professional witness evidence.

* + 1. **Housing Associations**

Housing associations work in partnership with the Tenancy Enforcement Team both within the Partnership Tasking Group, the Lambeth Housing Partnership and the Vulnerable Victims Panel.

* + 1. **Neighbourhood Housing**

Responsible for tenancy management and ensuring compliance with the tenancy agreement and the lease agreements. The Neighbourhood Housing Team will be involved in instances where said agreements have been breached. Neighbourhood Housing Officers will report any ASB that they identify on their patch to the Tenancy Enforcement Team to investigate. Also responsible for leading on the response to complaints of nuisance in communal areas when there is no identified respondent.

* + 1. **Tenant Management Organisations**

Tenant Management Organisations are responsible for managing the report and investigation of ASB in line with the Anti-social Behaviour and Harassment Policy and Procedure contained within Schedule 6 to Chapter 6 of the Management Agreement. This includes but is not limited to the following:

* Receiving a report of ASB;
* Processing the complaint including involving other agencies and making use of applicable legislation and or legal remedies;
	+ 1. **Public Protection and Regulatory Services**

Public Protection are responsible for leading the community trigger procedure and will provide the single point of contact. They will receive the request, notify the other relevant agencies, and will initially assess the eligibility of the request. If the applicant is eligible, Public Protection will take the request to be reviewed at Community Trigger-Multi Agency Risk Assessment Conference.

* + 1. **Noise and Pollution Team**

The Noise and Pollution Team will be engaged by the Tenancy Enforcement Team. When a complaint of smoking nuisance is reported, the Noise and Pollution Team will work in partnership with the Tenancy Enforcement Team to establish if it is a statutory nuisance. Once confirmed as a statutory nuisance, Tenancy Enforcement will take appropriate action against the respondent, however, if it is not statutory the Noise and Pollution Team will be responsible for taking action. They will follow their own procedures to investigate and take the appropriate enforcement action, in respect of the following areas of ASB:

* Noise pollution i.e. noise;
* Pest control i.e. animal nuisance;
* Abandoned vehicles i.e. vehicle nuisance;
* Fly tipping i.e. litter/ rubbish.
* Smoking nuisance (if it is not a statutory nuisance).
	+ 1. **Community Mental Health Team**

Responsible for providing mental health support provision if the Vulnerable Victims Panel assesses the mental health of the victim as being affected by incidents of ASB and/or is isolated. Equally, will become involved if the Tenancy Enforcement Team signposts the perpetrator to mental health provision and will also be directly engaged on other matters when applicable.

* + 1. **Youth Offending Services**

Youth Offending Services are responsible for working with young people (up to 18 years old) that get into trouble with the law and subsequently support young people to stay away from a life of crime. When the Tenancy Enforcement Team receive a complaint and the perpetrator is a young person, the Youth Offending Services must be engaged. Youth Offending Services should be invited to the interview with the young person both within the investigative procedure and the community trigger review. Youth Offending Services are responsible for ensuring that the young person adheres to the measures in place and meets any positive requirements that are attached to the court order.

* + 1. **Safeguarding Teams (Children and Adults)**

Safeguarding will be involved when an individual is at risk, or is experiencing abuse, neglect, or physical harm.

* + 1. **Adult Social Care**

Responsible for providing background checks on the respondent to support the Tenancy Enforcement Team identify for vulnerability, safeguarding and mental health. Adult Social Care (ASC) also needs to identify any characteristics that might be protected under the Equality Act (2010) that may influence behaviour, to ensure that any legal action taken by the Tenancy Enforcement Team is compliant and proportionate and does not discriminate against the perpetrator. The Tenancy Enforcement Team will refer cases where respondents exhibit some challenging behaviours to a Complex Case Panel, where decisions are made on how best way to resolve the matter.

* + 1. **Safer Neighborhood Panels**

The panels are responsible for bringing police and communities together to decide local policing and crime priorities, solve problems collaboratively and make sure that the public are involved in a wide range of other community safety decisions.

* 1. **How tenants and leaseholders can make a complaint of ASB**
		1. **Avenues of reporting ASB**

Incidents of ASB can be reported to the Tenancy Enforcement Team in a number of ways to accommodate the preference of the reporting person. We do not require complaints of ASB to be made in writing.

ASB can be reported in the following ways:

* Report a housing management-related ASB incident online via our [website](https://beta.lambeth.gov.uk/noise-nuisance-anti-social-behaviour-and-safety/anti-social-behaviour-lambeth/report-anti-social-behaviour);
* In an emergency, please call the police on 999;
* Contact the call centre on 020 796 6000;
* E-mail tenancyenforcementteam@lambeth.gov.uk;
* Post your complaint to P.O. Box 734, Winchester, SO23 5DG. This can also be completed electronically via Digi-mail.

When we receive an anonymous complaint, we will always attempt to investigate. However, without knowing who made the complaint, the investigation and confirming the substance of the complaint could be more difficult.

If measures are taken against the respondent, it is important for us to be able to contact the reporting person to verify that the measures have been effective and for confirmation that the reporting person does not require any further support.

All confidential information received, either through enquiries or within the complaint’s procedure, will be treated with the strictest of confidence. The only circumstances where this information will be shared is if we have a duty to report to another authority or agency. As an example, if there was a requirement to contact Children’s Services because of circumstances surrounding the safety and welfare of a child.

* + 1. **Our commitments to promoting the tenant’s right to report ASB**

Residents have a right to live a life free from ASB. We will encourage tenants and leaseholders to report incidents of ASB if they either witness it or are a victim of ASB. We will communicate the avenues for reporting ASB, at sign-up.

* 1. **How will we respond to reports of ASB?**

The flow chart below identifies the process for case management by the Tenancy Enforcement Team, from receiving the complaint to closing the case.

1. **Tenancy Enforcement Team receives and assesses the ASB complaint**: Assistant Tenancy Enforcement Officer will complete the following:
2. Log the complaint
3. Assess the risk and response time
4. Contact the reporting person to acknowledge the complaint and advise when the team will be in touch
5. Allocate the case to a Tenancy Enforcement Officer (case manager)
6. Invite the reporting person for an interview

2. **Start the investigation by interviewing the reporting person:** The case manager will conduct the initial case review with a checklist of questions. The opportunity for early intervention activity will be explored. The reporting person will be asked if they would like to do a vulnerability risk assessment.

3. **Action planning:** An action plan will be completed with actions for both the case manager and the reporting person for gathering evidence and achieving a resolution. This may include using early intervention measures. The reporting person will be provided with diary sheets for recording incidents as evidence and a timeline for review be agreed.

4. **Supporting the victim:** Case manager to do the vulnerability risk assessment, if requested. If the score is high, refer to the Vulnerable Victims Analyst and the Vulnerable Victims Panel to develop a protection plan. If the score is medium or low, the case manager will continue to offer repeating the risk assessment further down the process.

5. **Corresponding with the respondent:** The case manager will decide on whether a written warning, interview, rehabilitation and/or legal action is required depending on persistency of the ASB, risk status and any vulnerabilities that the alleged perpetrator may have. If a written warning is provided the case will be closed.

6. **Rehabilitating the respondent:** If vulnerabilities have been identified, refer the Respondent to the right help and support for the purposes of intervening early to rehabilitate and prevent further ASB. Case manager will monitor the progress of support provided, taking note of whether it is successful or refusal to engage.

7. **Post interview and delivering the action plan:** Case manager requests a police disclosure and liaises with the council’s support services (E.G Adult Social Care) to identify the alleged perpetrators background and any vulnerabilities which may explain the reasons for ASB. Case manager contacts witnesses. Reporting person records and forwards evidence to the case manager.

8. **Review meeting(s) with the reporting person:** The case manager will have read the incident diary and the case history prior to the meeting and will update the reporting person on progress, the outcome of the investigation and recommended next steps in respect of measures for tackling the ASB if required. The opportunity for early intervention measures will be explored again, if appropriate. The reporting person will be asked if they would like to repeat the vulnerability risk assessment if they previously scored medium or low.

9. **Legal action:** If the ASB persists (and can be evidenced) or if the perpetrator fails to engage with support services (and early intervention has either been exhausted or was never a viable option), the case manager will consider and instruct Legal Services on the most proportionate and effective legal measure, in line with both human rights and equalities legislation. The victim will be asked if they would like to repeat the vulnerability risk assessment if they previously scored medium or low.

10. **Case closure:** The case will be closed in accordance with the matrix.

* + 1. **Investigating ASB**

**Interviewing the reporting person**

The Tenancy Enforcement Team will pick up the complaint in Northgate and the reporting person will be contacted for an interview in accordance with the risk rating and response time matrix. We will provide the reporting person with a single contact (Tenancy Enforcement Officer i.e. the case manager) that they may get in touch with if they have any queries or would like an update on the progress of the investigation.

Language and interpretation services will be offered. If these services are required, we will not complete the interview until these facilities are available.

At the interview, we will ask for details about the reporting person, the respondent and any other individuals involved in the case.

We will advise the reporting person that we will not disclose their identity when we contact the alleged respondent.

We will seek to answer the following questions at the interview:

* Is language and interpretation services required?
* What outcome/ resolution is the reporting person looking for?
* What happened?
* Is there a history to the case i.e. has the reporting person had a previous friendship or relationship with the alleged perpetrator or family members or known associates of the respondent?
* When and why did the problem start?
* Where did it happen?
* What type of ASB is it?
* What has been the effect e.g. impact upon the reporting persons health, home and/or work life, state of mind?
* Is rehousing required?
* Does the ASB involve hate crime or hate behavior?
* Has the reporting person reported the crime to the police?
* Is the reporting person vulnerable?
* Does the reporting person think that there may be any issues that are affecting the respondent’s behaviour?
* Has the reporting person discussed the problem with the respondent?
* If No, would a discussion be appropriate?
* Does the reporting person object to approaching the respondent?
* Is any other neighbour suffering from the same case of ASB?
* If yes, can they supply evidence?
* Have any other services/ agencies been involved?
* Are mediation services appropriate?

The above questions will help us to identify the nature of the ASB, categorise the risk and response time of the ASB and determine the next steps for resolution.

We will ask the reporting person if they would like us to complete a vulnerability risk assessment.

In instances where the reporting person has not been subject to verbal or physical abuse, harassment nor have they been subject to hate related behavior, we will suggest that the reporting person speak directly to the alleged perpetrator to try and find a resolution independent of council intervention. If this is not possible, we will suggest mediation as an appropriate course of action. We will never recommend that the reporting person approaches the perpetrator if they have been subjected to abuse or a hate related incident. If the reporting person rejects mediation, the Tenancy Enforcement Manager has discretion to inform the reporting person that the case is being closed. Otherwise, we will go through with the reporting person alternative options for preventing further ASB from occurring and liaise with other relevant agencies to try and secure further evidence.

**Action Plan**

We will agree an action plan with the reporting person. This will detail what actions both the reporting person and the council will take to tackle ASB. The action plan may also include early intervention activity and will confirm at what point a review and updates will be provided. Where possible, the action plan should achieve the outcome/ resolution that the reporting person identified at the beginning of the interview. The action plan will be signed by both the Tenancy Enforcement Officer and the reporting person and we will provide the reporting person with a copy of the action plan. Specifically, the plan will include the following:

* Actions that need to be taken (and an action owner). This will include a plan for how the case manager will investigate the case;
* How evidence will be collected (including the reporting person completing an incident diary to keep an up-to-date record of instances of ASB). These diary sheets will provide the evidence base for the case and will be a useful resource if legal action is required;
* Date of the first review meeting to go over the evidence that has been collected (two weeks from the interview);
* Ensure that all the relevant agencies are aware of the plan to support the monitoring of ASB and evidence.

We will record the action plan, category of ASB, risk category and associated notes from the interview on Northgate

**Review Meeting(s)**

By the first review meeting all agencies and witnesses will have been contacted and incident diaries will have been collected and read. During the meeting, the reporting person will be updated on the progress and the outcome of the investigation. A second review meeting will be agreed if appropriate. At the second meeting, the case will either be closed, or the case manager will be ready to request legal action. A further review meeting will be agreed if appropriate. At every review meeting, the action plan (and Northgate) will be updated to reflect what actions have been completed, the inclusion of any additional actions and the plan will be signed by both parties.

**Correspondence with the respondent**

We will always make the respondent aware in writing that we have received a complaint of ASB. The Case Manager will not identify the reporting person in the correspondence with the respondent, nor will other council employees, including Neighbourhood Housing Officers. If the ASB is high risk and it is the first occurrence, unless the perpetrator has any identified vulnerabilities, we will go straight to legal action without interviewing the perpetrator if there is sufficient evidence. In circumstances where it is the first occurrence of low or medium risk ASB we will not interview the perpetrator; we will provide a written warning to make them aware that we have received a complaint of ASB and advise that any ASB must stop otherwise the council will have to escalate their response.

We will only interview the respondent if low or medium risk ASB persists. We will have a first investigatory interview with the alleged perpetrator to inform them of the allegations that we have received. This interview will take place after the interview with the reporting person.

We will request a response to confirm whether they admit or deny these allegations. We will inform the alleged perpetrator that their behavior is not acceptable and must stop immediately. We will advise what legal action is available to us if their behavior is causing ASB.

We will use this interview to determine whether the respondent is vulnerable in any way, which may influence their behavior. This may influence the legal measure that we choose, or whether we opt for the legal route at all.

If they are vulnerable, for example have mental health issues or issues with drug or alcohol misuse, we will signpost them to the relevant agencies for support.

We recognise that in some instances it may actually be the respondent that is the victim of ASB, and they have been denied their right to live a peaceful family life. Any counter-allegations made against the reporting person will be investigated fully.

We will record what is said at the interview and upload this information to Northgate and provide the respondent with the notes.

The questions that we will seek to answer at the interview include the following:

* Is the respondent vulnerable?
* Is the respondent working with any support services?
* Is language and interpretation services required?
* If required, what support provision do we need to refer the perpetrator to?

After referral, we will get regular updates from the agencies on the progress of support offered to the respondent. Only if this is unsuccessful, or if the perpetrator fails to engage, or a serious offence has been committed will we consider legal action. This will be used as evidence to support the argument that the chosen legal measure is proportionate and reasonable.

* + 1. **What if the person is vulnerable?**

**Reporting Person**

Following on from the ASB Policy, this procedure will detail the mechanisms in place to provide the appropriate support to the victim.

We will use the interview to identify whether you are vulnerable and ask whether you would like us to complete a risk assessment.

The risk assessment is designed for victims of ASB, to determine the level of vulnerability (low, medium, and high) and the support that is required. If the individual scores low or medium they will stay with the provision that they are currently with. If the score is high, and depending on the circumstances of the case, the individual will be referred to the Vulnerable Victim’s Analyst. The Senior Tenancy Enforcement Officer will make the decision on whether the high risk individual should be referred to the Vulnerable Victim’s Analyst.

The Vulnerable Victim’s Analyst will set up a case profile for the individual and request information from the relevant agencies. The case will be discussed at the Vulnerable Victim’s Panel. The purpose of the panel is the following:

* To review the case;
* Agree case management arrangements;
* Develop a protection plan with a named case manager to lead and coordinate the plan.

We will offer this risk assessment to the victim of ASB on an ongoing basis throughout the procedure. Specifically, we will offer the assessment (at the very least) at the following points during the procedure:

* Interview with the reporting person;
* First review meeting;
* Second review meeting (and any subsequent review meetings);
* After the decision by the court on whether to approve the legal measure;
* When the threshold for the Community Trigger is met.

The following agencies will provide a representative at the VVP:

* Community Safety;
* Police;
* Safeguarding Adults;
* Safeguarding Children;
* Victim Support;
* Housing associations;
* Noise and Pollution Team;
* Community Mental Health Team;
* Fire Brigade;
* CYPS (Children, Young People and Families Service);
* PPARS (Public Protection and Regulatory Services);
* SLaM (South London and Maudsley NHS Foundation Trust).

**Respondent**

We will use the interview with the respondent to identify any vulnerability, safeguarding, mental health or any other issues that could explain the behavior of the perpetrator. We will signpost the perpetrator to the appropriate support for the purposes of rehabilitation.

We will also work closely with our partners to determine whether the respondent has any issues around vulnerability that may explain their conduct. We will engage Adult Social Care Services to identify this and whether the perpetrator has any protected characteristics linked to their behaviour. If any vulnerabilities are found, we will always first review our early intervention options to rehabilitate the perpetrator to prevent further ASB. Where possible we want to sustain the perpetrators tenancy before any legal action is considered.

Specifically, we will review, and seek to answer the following questions during the interview and the investigation to help us consider what action to take when the tenant may suffer from a disability and/or a protected characteristic:

* Does the tenant/family member have a disability that may be a protected characteristic for the purposes of the Equality Act (2010)?;
* Is the ASB related to this disability?;
* Have efforts been made to help the person with the disability?;
* Have other services been contacted with a view to intervening and assisting the person with the disability?;
* Have alternatives been considered to this action? If alternatives have been considered, what were they and why are they not considered suitable;
* Does the adult have needs for care and support?
* If yes, have they been assessed by the relevant agencies?
* What services are currently being provided to assist with the identified care and support needs?
* If the respondent is a child, does the child have needs for care and support?
* Has the child been assessed?
* What services are being provided to assist with the child’s needs and well-being?
* Have all efforts failed to resolve the problem? Could anything more be done to assist the person the disability?;
* Is the antisocial/nuisance behaviour putting the health and safety of neighbours or other individuals at risk?;
* Can London Borough of Lambeth justify pushing ahead with a possession or injunction claim? Is eviction proportionate (if possession is sought)?;
* If it is a mandatory ground for possession then has the tenant been given the opportunity to make representations and have those been considered?;
* Is the measure rationally connected to the aim of preventing further ASB? In other words, does the case of ASB meet the criteria for using the chosen measure?;
* Is the measure no more than is necessary to achieve the aim of preventing further ASB? In other words, is the measure proportionate to the case of ASB and the measures previously used against the perpetrator;
* In determining the most appropriate course of action has regard been given to both the equalities and human rights legislation, including the Public Sector Equality Duty (S.149 of the Equality Act 2010)?

The Senior Tenancy Enforcement Officer will sign off on the completion of the above questions before any action is taken against the perpetrator to prevent further ASB.

* + 1. **What are the implications of ASB on third parties?**

Parents and guardians have a duty to try and ensure that their children are not engaging in ASB and/or criminal activities. When children are found to be committing ASB, we will consider using early intervention and legal measures to make their parents or guardians more responsible and accountable for their behaviour. The measures available to the council include a parenting contract and a parenting order. These measures will only be used when the parents or guardian’s child is the perpetrator of ASB. We will always engage Youth Offending Services when a child is involved in ASB (and the other relevant agencies depending on the type of ASB) at the beginning of the investigation, and when the measure is approved to support the monitoring of the measure used to tackle ASB.

In circumstances where a household has children and is at risk of eviction, we will engage Adult Social Care and the Children and Young Persons Team to be involved at the beginning of the investigation. Once a notice of seeking possession is served and the case is issued to court, the Homeless Persons Unit will be notified that the family may potentially be homeless.

In circumstances where a visitor, a family member or another member of the household causes ASB inside the property, the tenant will be held responsible and action may be taken against the tenant, which could include losing their home.

* + 1. **Risk ratings**

We will assess the risk rating of every ASB case that we receive (low, medium, and high). We will use this rating to determine the response time required for contacting the respondent for an interview. The table below will be used by the case manager as a guide, and it is for the case manager to use their discretion to assess the type, severity and the impact of the ASB.

|  |  |
| --- | --- |
| **RISK RATING &****RESPONSE TIME** | **TYPE OF Anti-social Behaviour** |
| **LOW Risk Cases****(5 – 10 Working days)** | Minor neighbour disputes, minor breaches of tenancy, boundary and land issues, noise nuisance |
| **MEDIUM Risk Cases****(2 – 5 working days)** | Allegations of criminal activity, drug dealing, verbal abuse, youth nuisance, noise nuisance  |
| **HIGH Risk Cases****(24 hours – 1 working day)** | Threats of physical assault, serious intimidation or harassment, racial incidents, domestic violence, serious damage to council property, insecure or abandoned premises, noise nuisance |

* + 1. **Prevention and early Intervention measures**

We will always consider early intervention measures and opportunities for rehabilitating the perpetrator in the first instance, before legal and enforcement action is considered and taken. However, this will need to be weighed up against the nature of the ASB and the background of the respondent including previous ASB and any vulnerabilities. Following on from the ASB Policy, the various prevention and early intervention measures available to the council fall under the following categories:

* A verbal or written warning to the perpetrator;
* Mediation;
* Acceptable behavior contract/ agreement;
* Parenting contracts;
* Support and counselling;
* A community resolution (I.E informal resolution/ agreement)
	+ 1. **Legal measures and enforcement action**

The council will have full regard to the range of legal powers that it may use to tackle ASB. Any measure that is not used or is excluded from the list of available measures within this procedure, will be a conscious decision taken by the council.

We will only go down the legal route if we have evidence to do so. We will not go down this route if the respondent denies the allegations of ASB and we do not have evidence to prove the contrary.

We will review whether our legal options are proportionate and reasonable, in line with the equalities and human rights legislation, prior to instructing Legal Services to proceed with legal action. We will also review our options in line with the wider legal and regulatory framework. As a social landlord, we have obligations to respondents, as well as victims of ASB. This includes considering information that we have received from the reporting person, the respondent, and other agencies about the background of the respondent and any vulnerabilities. We will, therefore, always have regard to any vulnerabilities that have been identified and consider opportunities for rehabilitation before choosing our preferred legal measure. It is deemed discrimination if enforcement action is taken in response to ASB which is a consequence of a medical (physical or mental) disability which is either known by the council, or reasonably ought to have been known. The burden of showing that the action being taken by the council is proportionate, and therefore not discriminatory, rests with the council.

When it is the perpetrators respondent first offence of ASB, we may still consider escalating our response straight to possession in circumstances that provide grounds for mandatory possession. Conversely, where the ASB does not constitute mandatory grounds for possession, we may still opt for possession on discretionary grounds if such a response is determined to be proportionate and reasonable. Subject to any human rights defense raised by the tenant under Article 8, the court must grant possession on one of the following grounds:

* The tenant, a member of the tenant’s household, or a person visiting the property has been convicted of a serious offence (a list of the relevant offences is found in 2A to the Housing Act 1985);
* The tenant, a member of the tenant’s household, or a person visiting the property has been found by a court to have breached a Civil Injunction;
* The tenant, a member of the tenant’s household, or a person visiting the property has been convicted for breaching a Criminal Behaviour Order;
* The tenant’s property has been closed for more than 48 hours under a closure order for anti- social behaviour;
* The tenant, a member of the tenant’s households, or a person visiting the property has been convicted for breaching a noise abatement notice or order;

Legal action will only be pursued with the authorisation of the Head of Tenancy Enforcement or Senior Tenancy Enforcement Officer. The manager will be able to justify that the preferred legal measure is aligned to the council’s policy approach.

Following on from the ASB Policy, the various legal measures available to the council are as follows:

* Civil Injunction (Tenancy Enforcement);
* Criminal Behaviour Order (Tenancy Enforcement can only obtain after a police conviction);
* Demotion of Tenancy (Tenancy Enforcement);
* Dispersal Power requested to the police (Tenancy Enforcement do not have this power but can request that the Metropolitan Police use their Dispersal Power);
* Fixed Penalty Notice (Public Protection and Regulatory Services and Tenancy Enforcement);
* Introductory Tenancy Extension (Tenancy Enforcement);
* Absolute Ground for Possession (Tenancy Enforcement);
* Closure Order (Tenancy Enforcement);
* Community Protection Notice (Public Protection and Regulatory Services);
* Public Spaces Protection order (Public Protection and Regulatory Services);
* Noise Abatement Notice (Public Protection and Regulatory Services);
* Noise Abatement Order (Public Protection and Regulatory Services).
	1. **Closing ASB Cases**

We will always thoroughly investigate complaints of ASB that we receive, in accordance with our policy and procedure. The table below identifies the various reasons for which a case can be closed. The Senior Tenancy Enforcement Officer must agree and sign off the closure of a case.

|  |  |
| --- | --- |
| **Reason** | **Explanation of Reason** |
| Reporting person satisfied | Case investigated and reporting person satisfied that the nuisance/problem has been resolved. (resolved) |
| No complaints for 3 months | Case has been closed because thenuisance has ceased and no further complaints have been received for threemonths (resolved) |
| Case resolved to landlord satisfaction | Case has been resolved to thesatisfaction of the landlord but not necessarily to the satisfaction of the reporting person (e.g. no further action can be taken, all reasonable actions exhausted) (resolved) |
| Case withdrawn by the complainant | Reporting person no longer wishes to pursue the complaint (resolved) |
| Unsubstantiated complaint | Complaint has been investigated but noevidence can be found to substantiate the allegations (resolved) |
| Property Terminated | respondent gives up their tenancy so the nuisance ceases (resolved) |
| Property Abandoned | respondent abandons their tenancy so the nuisance ceases (resolved) |
| Eviction for ASB | respondent is evicted from their tenancy so the nuisance ceases (resolved) |
| Other (please specify) Resolved | Case has been successfully resolvedto landlord satisfaction when the ASB has ended for any reason other than those listed above (e.g. intervention by another agency). |
| Other (please specify) Closed | Case has been closed for any reason other than those listed above (e.g. information requested by the landlord has not been provided).  |

When closing a case, we will always let the reporting person know in writing giving 7 days’ notice of the intention to close the case.

* 1. **Preventing ASB through partnership working**

The Tenancy Enforcement Team works closely with other agencies and forums to ensure that there is a robust approach to casework management by sharing information and expertise. Specifically, and following on from the ASB Policy, the Tenancy Enforcement Team will work in partnership with the following forums:

* **Safer Lambeth Partnership:** The core membership includes the five ‘responsible authorities’ – the council, the police, the London Fire Brigade, Lambeth Clinical Commissioning Group (LCCG) and probation services. The purpose of the forum is to identify, assess and address the priorities for reducing crime, ASB, drug and alcohol misuse and reoffending. This is delivered through consultation with partners and the community, review of policy, as well as developing a partnership action plan and a Crime and Disorder Reduction Strategy.
* **Partnership Tasking Group (PTG):** The purpose of the PTG is to deliver the Lambeth Made Safer strategic objectives, specifically focussing on addressing long term, entrenched crime and ASB problems through enforcement. The PTG focusses on identifying a solution to geographical areas of concern and the individuals and groups causing ASB and crime, by coordinating planned and targeted actions based on shared intelligence and information.
* **ASB Operational Working Group:** The membership includes the Tenancy Enforcement Team, registered providers, the police and PPARS. The purpose of the forum is to highlight emerging ASB issues and reduce the risk of ASB through coordinated activity.
* **Vulnerable Victim Panel VVP):** This is a case management forum, and the purpose is to agree case management arrangements for victims of ASB that have been assessed as vulnerable and high risk. The forum will review the information presented on the individual by the VVA and will agree a protection plan and assign a case manager to coordinate the delivery of the plan.
* **MARAC (Multi-agency risk assessment conference):** This forum is attended by housing, public health, the police, social services, and probation services. The purpose is to share information about high-risk victims of domestic violence toproduce a coordinated action plan to increase victim safety.
* **CT-MARAC:** This forum is attended by the designated officer from the relevant bodies, the CST SPOC and the relevant invitees depending on the cases under review. The purpose of this forum is to agree multi-agency ASB case reviews, to appoint case managers, to undertake such reviews and to review progress and performance in completing case reviews and implementing their recommendations.
* **Hate crime:** When we receive reports of hate crime, the case manager will report it to the police in the first instance if the reporting person has not already contacted the police, to enable the police to conduct their investigation. The case manager will also engage the Hate Crime Coordinator in the CST. We will work closely with the police in our response to hate crime, in line with the [College of Policing: Hate Crime Operational Guidance.](https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/hate-crime/) If a tenant, people living with the tenant or a visitor to the property is proven to be guilty of hate crime by a court, it could lead to the loss of their home under mandatory grounds for possession. We will act promptly and decisively to provide fast relief for the victim. We will consider whether emergency legal action is required to protect the victim and ensure their safety. To improve our decision making and increase public confidence, we will always consider the impact of hate incidents on the victim when determining the most appropriate course of action, and equally, we will have a multi-agency response to hate crime.
	1. **Community Trigger – ASB Case Review**

The Anti-social behavior, Crime and Policing Act (2014) introduced the right to request a case review as a safety net for individuals who feel that they have not had a satisfactory response to their complaints about ASB and they wish to escalate. The council’s statutory responsibilities surrounding this include the following:

* set the local threshold for triggering ASB case reviews;
* establish and publish arrangements for conducting these reviews;
* undertake a formal case review where an application is made, and the local threshold is met.

For the purposes of the community trigger procedure, the relevant bodies in Lambeth are as follows:

* Lambeth Council, representing the relevant local authority functions and services;
* Lambeth Metropolitan Police, representing the police service
* LCCG, representing health services;
* Housing associations, representing social landlords who are co-opted into the group of relevant bodies.

The act also requires the relevant bodies to specify a SPOC to receive applications for the case review and is passed on or shared with the relevant bodies. For Lambeth, the council has been nominated to be the SPOC. Within the council, the CST are responsible for coordinating the procedure.

Following on from the ASB Policy, this procedure provides the detail behind our arrangements for the community trigger.

* + 1. **How can someone apply for a case review?**

A resident can apply for the community trigger in a number of ways in order to accommodate the preference of the applicant. We do not require applications to be made in writing. Applications can be submitted in the following ways:

* an [online referral form](https://www.lambeth.gov.uk/forms/community-trigger-referral-form) via the council’s website;
* Contact Public Protection via phone on 020 7926 5000;
* calling Lambeth Housing on 020 796 6000;
	+ 1. **Our process for reviewing cases**

**Stage 1: Gateway**

The application from a member of the public to trigger a case review is received by the CST. The SPOC will contact the applicant within two working days of receiving the application to explain the process and seek any supporting information. CST contacts the designated officers within the relevant bodies to confirm that an application has been received.

**Stage 2: Threshold decision**

CST assess whether the application meets the qualifying criteria for the trigger and a multi-agency case review. We will aim to complete this and notify the applicant within three to five working days of initially contacting the applicant. If the application does not meet the criteria, the case is closed. However, we will still invite the applicant to complete the risk assessment.

An assessment will subsequently be completed to identify the vulnerability of the applicant using the same risk assessment used for the investigative procedure. If the score is high, we will engage the VVA and the same procedure used in the investigative procedure. If the complaint relates to a hate crime, the Hate Crime Coordinator will be engaged; and if the complaint relates to a perpetrator that is under 18, YOS will be engaged. If the complaint relates to a function managed by a different registered provider, the relevant social landlord will be engaged.

**Stage 3: Case review**

The case review takes place at the CT-MARAC Board (monthly meeting). Information about the case history is collated from the relevant bodies and recommendations will be tabled at the meeting on how to proceed based on the action that has already been taken. The board will consider the following:

* Determines which of the relevant bodies has the ‘lead’ responsibility and appoints a case officer from that body;
* Considers and agrees any recommendations as may be submitted as regards whether an action plan is needed, whether there are further information requirements and what actions may be undertaken by the relevant bodies in response to the trigger;
* Agrees to receive a report on progress from the case officer at the next meeting.

The applicant will be notified of the outcome of the review within two working days of the meeting by the SPOC.

**Stage 4: Action Plan**

The allocated case officer will implement the decisions of the board within five working days.

**Stage 5 & 6: Response and resolution**

A resolution letter is prepared, incorporating any measures or activities that are proposed to be undertaken by the relevant bodies to resolve the incidents of ASB. It will then be sent to the chair of CT-MARAC, as well as other relevant bodies, to be signed off and then sent to the applicant and a meeting is arranged to discuss the letter. The response and resolution stage will take five working days.

If the applicant is satisfied with the letter, it will proceed to be implemented and the progress will be required at the next board meeting. If the applicant isn’t satisfied, the case will be passed to the statutory appeal process if the applicant wishes to escalate.

**Stage 7: Appeal process**

The appeal process will typically take 10 working days and will include the following:

* The applicant must indicate their dissatisfaction with the contents of the resolution letter and must formally request an appeal. Once received, the designated officers of the relevant bodies and the chair of CT-MARAC are notified;
* A senior officer of one of the relevant bodies, who is not involved in any work on the case or decisions of the CT-MARAC, will be nominated as the appeal review officer for the case;
* The appeal review officer will call in the case file and other relevant papers and will interview the case officer, the SPOC and, as necessary, the chair of the CT-MARAC. The applicant will also be afforded an opportunity to meet the appeal review officer to discuss the case.

If the applicant is still dissatisfied, the applicant will be advised to escalate to MOPAC for an external, independent review of their case. CT-MARAC will keep all open triggers under review at the monthly meeting.

To view the procedure in full please click [here](https://lambeth.sharepoint.com/%3Aw%3A/r/sites/HousingServicesCommunicationsPage/_layouts/15/Doc.aspx?sourcedoc=%7B1A0F6CC2-49F2-48BE-A8B5-A9D3854AEF13%7D&file=ASB%20Community%20Trigger%20SOP%20v6%2014-10-31.docx&action=default&mobileredirect=true).

* + 1. **Our commitments to tenants and applicants for promoting and conducting case reviews**

As a social landlord, we have a statutory responsibility to inform the victim of their right to request a case review.

We will include information about the community trigger and how to apply in the tenancy agreement and the lease agreement and we will also explain this at sign-up. We will also include a reference to the case review when notifying the reporting person that the case is being closed.

* 1. **Reporting and Monitoring of ASB**

Lambeth Council is committed to continuously improving our ASB function to ensure that we continue to deliver high-quality services for residents. To achieve this, it’s critical that we are using the right performance measures, in line the legal and regulatory framework, and have robust performance management structures in place for monitoring our data.

Our monthly performance reporting will include the following ASB measures:

* Percentage of closed ASB cases successfully resolved/ positive outcome;
* Percentage high risk cases responded to within 24 hours;
* Percentage medium risk cases responded to within 5 days;
* Percentage low risk cases responded to within 10 days;
* Average number of calendar days taken to resolve ASB cases;
* Number of cases closed.

We are also reporting on the breakdown of cases received:

* Categorisation of ASB;
* Early interventions;
* Enforcement action;
* Perpetrator support;
* Closed cases;
* Risk ratings.
1. **Regulatory and Legal Framework**
	1. **Regulator of Social Housing**
	2. **Housing Ombudsman Guidance**
	3. **Housing Act (1985)**
	4. **Housing Act (1988)**
	5. **Housing Act (1996)**
	6. **Noise Act (1996)**
	7. **Protection from Harassment Act (1997)**
	8. **Crime and Disorder Act (1998)**
	9. **Anti-social Behaviour Act (2003)**
	10. **Housing Act (2004)**
	11. **Housing and Regeneration Act (2008)**
	12. **Anti-social Behaviour, Crime and Policing Act (2014)**
	13. **Equality Act (2010)**
	14. **Human Rights Act (1998)**
	15. **Data Protection Act (2018)**
	16. **Care Act (2014)**
	17. **Children Act (1989)**
2. **Other Links**

[Lambeth Made Safer Strategy 2020-2030](https://moderngov.lambeth.gov.uk/documents/s122975/Appendix%20A%20-%20Lambeth%20Made%20Safer%20Strategy%20v19.pdf)

[Social Housing White Paper 2020](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936098/The_charter_for_social_housing_residents_-_social_housing_white_paper.pdf)

[Lambeth Borough Plan 2016-2021](https://moderngov.lambeth.gov.uk/documents/s83861/Lambeth%20Borough%20Plan%202016%202021.pdf)

[Anti-social Behaviour Crime and Policing Act Guidance 2014](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf)

[Housing Ombudsman Guidance for Anti-social Behaviour Policy](https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/anti-social-behaviour-policy/)

[Neighbourhood and Community Standard: Anti-social Behaviour](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/914624/Neighbourhood_and_Community_Standard_2015.pdf)