



Anti-Social Behaviour Policy

Document Type	Document Description			Department
Policy	ANTI-SOCIAL BEHAVIOUR POLICY			Tenancy Services
Author	Date created	Version	Last Reviewed	Review Date
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Approved By		Approved Date		
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The Board		09/09/2026		

1. Introduction

- 1.1. Hull Churches Housing Association (the Association/HCHA) strives to be the best it can in providing landlord and care and support services. Central to this, is the role that the Association plays in contributing to the creation of safer communities.
- 1.2. The Association believes that everyone has the right to 'quiet enjoyment' of their homes and communities.
- 1.3. To enable this we believe tenants, visitors and other members of the community have a responsibility to:
 - show respect for others and act as good neighbours.
 - be tolerant of values, needs and lifestyles different from their own where behaviours are reasonable.
 - ensure their actions do not adversely affect others and constitute nuisance or anti-social behaviour.
- 1.4. The Association seeks to support its tenants where they are impacted by problems caused by anti-social behaviour (ASB)
- 1.5. In operating this policy, the Association follows the requirements of the Regulator for Social Housing (RSH) to work in partnership with other agencies to ensure:
 - that tenants are made aware of their responsibilities and rights in relation to ASB
 - there is strong leadership, commitment, and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
 - a strong focus exists on preventative measures tailored towards the needs of tenants and their families as well as employees
 - prompt, appropriate, and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
 - all tenants can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
 - there is provision of support to victims and witnesses

2. Scope

- 2.1. This policy applies to tenants, shared owners, licence holders, household members, visitors and anyone whose behaviour affects HCHA's homes, communal areas, estates, offices or services. It applies to reports made by tenants, staff, contractors, partner agencies or members of the public where there is a connection to HCHA's housing management functions.

- 2.2. Generally, the Association will not interfere in personal disputes between residents and their neighbours. We will provide advice, practical guidance and, in certain circumstances, mediation to help resolve the problem in a reasonable and friendly manner.
- 2.3. Where genuine anti-social behaviour is demonstrated we will take firm and prompt action. To do so we will consider use of the range of legal remedies available including possession proceedings, injunctions, and orders. However, we acknowledge the limitations of the legal and other remedies open to us and the lengthy timescales often involved. We will aim to support complainants during this period and keep them informed of progress.

3. Definitions

3.1. *Neighbour Dispute*

A neighbour dispute is where something causes disagreement between neighbours which does not constitute nuisance. Neighbour disputes tend to arise because of one party's thoughtlessness, inconsiderate behaviour, or different lifestyle.

3.2. *Nuisance*

Nuisance is interference with a person's right to 'quiet enjoyment'. It must be to a degree that affects the average person and be frequent or continual. Statutory nuisance is a nuisance at law as defined in the Environmental Protection Act.

Nuisance may take many forms although common ones are noise nuisance or dumping of rubbish or vehicles. However, not all noise problems constitute nuisance.

Nuisance is per definition anti-social. However, acts of criminal damage or other criminal activities including drug dealing and theft, intimidation, or general lack of respect by groups or individuals not necessarily living in the community, can also be considered anti-social behaviour. All such behaviour causes alarm or distress.

3.3. *Anti-Social Behaviour (ASB)*

The Association adopts the same definition of ASB set out in the Anti-Social Behaviour, Crime and Policing Act, as follows:

- Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing-related nuisance or annoyance to any person

In addition to the above, the Association may treat behaviour from individuals where they fail to keep control over pets as ASB and may take the appropriate tenancy or civil actions if this presents a threat or annoyance to the Association's customers, employees, or contractors.

3.3.1. What we would consider as Anti-Social Behaviour

We will consider whether the behaviour is unreasonable, persistent, deliberate, harmful, intimidating, or likely to affect the peace, safety or wellbeing of others. Behaviour we would normally consider anti-social behaviour includes:

- Violence, threats of violence, intimidation, harassment or abusive behaviour.
- Hate incidents or hate crime, including behaviour targeted at someone because of a protected characteristic or perceived protected characteristic.
- Domestic abuse-related nuisance or behaviour that places others at risk.
- Drug dealing, drug cultivation, drug misuse in communal areas, cuckooing, exploitation or other criminal activity connected to a property or estate.
- Persistent or excessive noise, including loud music, shouting, parties, alarms or DIY at unreasonable times.
- Vandalism, graffiti, criminal damage or deliberate damage to homes, communal areas or estate facilities.
- Misuse of communal areas, including obstruction, loitering linked to nuisance, rough sleeping in blocks, unsafe storage, drinking, drug use or behaviour that makes others feel unsafe.
- Dangerous, uncontrolled or persistently nuisance animals, including dog fouling where linked to a tenancy or estate issue.
- Fly-tipping, deliberate rubbish dumping, offensive odours or environmental nuisance affecting neighbours or communal areas.
- Persistent verbal abuse, threatening communications, nuisance calls or online harassment connected to the tenancy or community.

3.3.2. What we would not consider as Anti-Social Behaviour

We will not normally treat everyday living noise, lifestyle differences or one-off minor incidents as anti-social behaviour unless the behaviour is persistent, excessive, deliberate, unreasonable, linked to risk, or breaches tenancy or lease conditions. Behaviour we would not normally consider anti-social behaviour includes:

- Everyday household noise such as footsteps, doors closing, washing machines, vacuuming, children playing, babies crying or normal conversation.
- One-off parties, barbecues or gatherings unless there is serious nuisance, repeated behaviour, threats, disorder or other risk.
- Reasonable DIY, gardening or home maintenance carried out at reasonable times.
- Cooking smells, smoking or pet smells unless excessive, persistent or linked to a wider tenancy, health or environmental concern.
- Parking disputes where there is no obstruction, danger, harassment, criminality or breach of tenancy or parking rules.
- Children playing in reasonable locations and at reasonable times.
- Disputes between neighbours where there is no evidence of harassment, intimidation, threats, persistent nuisance or tenancy breach.
- Personal dislikes, staring, unfriendly behaviour, differences in lifestyle or clashes of personality.
- Reports based only on rumour, suspicion or anonymous information where there is no supporting evidence or identifiable risk.
- Complaints about matters that are primarily police, environmental health, planning, highways or private legal issues, unless there is a clear housing management role for the landlord.

4. Compliance and Legislation

4.1. This policy has been developed with reference to the legislation, regulation, statutory guidance and sector expectations that apply to social landlords when preventing, managing and responding to anti-social behaviour. HCHA will comply with all relevant legal duties and will keep this policy under review where legislation, regulation or guidance changes. Any changes to the law not immediately incorporated into policy will nevertheless take precedence over policy.

The principal Acts include:

- Anti-social Behaviour, Crime and Policing Act 2014 — provides key ASB powers including civil injunctions, criminal behaviour orders, community protection notices, closure powers, dispersal powers, public spaces protection orders, the ASB Case Review and the absolute ground for possession.
- Housing Act 1985, where applicable — sets out housing management and possession provisions for secure tenancies.
- Housing Act 1988, where applicable — sets out tenancy and possession provisions for assured and assured shorthold tenancies.
- Housing Act 1996 — includes provisions relevant to social housing, allocation, homelessness and anti-social behaviour, including introductory tenancies and injunction-related powers where applicable.
- Anti-social Behaviour Act 2003 — introduced and amended a range of powers for tackling ASB, including demotion and housing-related measures, where still relevant.
- Localism Act 2011 — includes provisions relevant to social housing regulation, tenancy management and complaints routes.
- Equality Act 2010 — requires the landlord to avoid unlawful discrimination, make reasonable adjustments where required and consider the Public Sector Equality Duty where it applies.
- Human Rights Act 1998 — requires the landlord to act compatibly with relevant rights, including respect for private and family life, home and correspondence, and the right to a fair hearing.
- Data Protection Act 2018 and UK GDPR — govern how personal information is collected, recorded, stored, used and shared when managing ASB cases.
- Protection from Harassment Act 1997 — may be relevant where behaviour amounts to harassment, stalking, threats or a course of conduct causing alarm or distress.
- Environmental Protection Act 1990 and associated noise and statutory nuisance legislation — may apply to noise, waste, odour and other environmental nuisance, usually in partnership with local authority environmental health teams.
- Crime and Disorder Act 1998 — supports partnership working to reduce crime, disorder and anti-social behaviour.
- Care Act 2014, Children Act 1989 and Children Act 2004 — set out safeguarding duties and responsibilities where adults with care and support needs, children or young people may be at risk.
- Domestic Abuse Act 2021 — may be relevant where ASB reports involve domestic abuse, coercive control, harassment, threats or risk within households or communities.
- Regulator of Social Housing consumer standards — require registered providers to deliver safe, effective, fair and accountable services, including appropriate neighbourhood and tenancy management.

- Housing Ombudsman Complaint Handling Code and relevant Ombudsman guidance — inform how the landlord should handle complaints, communicate with residents and learn from service failures.
- Home Office statutory guidance on anti-social behaviour powers — provides guidance for frontline professionals on the use of ASB powers, victim focus, proportionality, partnership working and the ASB Case Review.

5. Access and Communication

- 5.1. The Association is committed to ensuring that our services are accessible to everyone. The Association will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for the Association or use its services.

6. Reporting Anti-Social Behaviour

- 6.1. Reports can be made through HCHA's published contact channels, including telephone, email, OKEachDay tablet, online forms, in writing or in person. Emergency incidents, immediate threats to safety and criminal offences should be reported to the police or emergency services first. HCHA will provide accessible reporting options and reasonable adjustments where needed.

7. Case Management

- 7.1. Where a case is opened, HCHA will agree an action plan with the reporting person where appropriate. This may include keeping diary records, installing noise monitoring equipment through the local authority, obtaining witness statements, reviewing CCTV, visiting the area, contacting alleged perpetrators, issuing warnings, arranging mediation, referring to support services, or taking legal action.
- 7.2. HCHA will maintain accurate case records, explain what can and cannot be treated as anti-social behaviour, manage expectations about likely outcomes and keep residents informed at agreed intervals. Cases will be reviewed regularly and closed only when reasonable enquiries and appropriate actions have been completed, or where no further proportionate action is available.

8. Prevention and Early Intervention

- 8.1. HCHA will promote good neighbour relationships through tenancy sign-up, tenant communications, estate management, tenancy support and clear standards of behaviour. Early intervention may include advice, reminder letters, acceptable behaviour agreements, mediation, restorative approaches, support referrals and joint visits with partner agencies.

9. Support for Victims, Witnesses and Perpetrators

- 9.1. HCHA will consider the needs of victims, witnesses and alleged perpetrators. Support may include safety advice, referrals to specialist services, safeguarding referrals, reasonable adjustments, tenancy sustainment support, mental health signposting and regular contact. Where behaviour may be linked to vulnerability, disability, addiction, mental health or other support needs, HCHA will consider support alongside enforcement, while still prioritising the safety and wellbeing of those affected.

10. Partnership Working

- 10.1.** HCHA will work with relevant partners including local authorities, police, community safety partnerships, environmental health, safeguarding boards, youth services, support providers and health services. Information will be shared lawfully and proportionately where necessary to prevent crime, protect people from harm, manage tenancies, support vulnerable residents or resolve anti-social behaviour.

11. Enforcement Options

- 11.1.** Where informal or supportive approaches are not appropriate or have not resolved the behaviour, HCHA may consider enforcement action. Options may include tenancy warnings, acceptable behaviour contracts, injunctions, possession proceedings, closure orders in partnership with statutory agencies, community protection notices through authorised bodies, or use of the absolute ground for possession where legal criteria are met.

12. Hate Incidents, Domestic Abuse and Safeguarding

- 12.1.** Reports involving hate incidents, domestic abuse, exploitation, cuckooing, threats, violence, neglect or risk to children or adults with care and support needs will be treated as high priority. HCHA will follow its safeguarding, domestic abuse and hate crime procedures, make referrals where appropriate and work with specialist agencies to reduce risk.

13. Noise and Neighbour Disputes

- 13.1.** HCHA recognises that not all neighbour disputes, lifestyle differences or everyday household noise will amount to anti-social behaviour. HCHA will assess whether the behaviour is unreasonable, persistent, harmful or a breach of tenancy conditions. Where appropriate, residents will be encouraged to speak to neighbours, use mediation, contact environmental health or keep evidence to support further investigation.

14. Unreasonable Behaviour

- 14.1.** Where reports of ASB are found to be unfounded, fictitious or manipulated, HCHA will consider this unreasonable behaviour in line with the associations Unreasonable Behaviour Policy.

15. ASB Case Review

- 15.1.** Tenants who meet the threshold may request an anti-social behaviour case review, sometimes known as the Community Trigger, where they believe agencies have not adequately responded to persistent anti-social behaviour. HCHA will cooperate with case reviews, provide information as required and act on agreed recommendations. This is separate from HCHA's complaints process.

16. Complaints

16.1. If a tenant is dissatisfied with how HCHA has handled their anti-social behaviour report, they may use HCHA's complaints procedure. HCHA will distinguish between ongoing case management decisions and service failures such as delay, poor communication, failure to follow policy or failure to consider evidence. Tenants may escalate eligible complaints to the Housing Ombudsman after completing HCHA's complaints process.

17. Equality, Diversity and Human Rights

17.1. HCHA will comply with equality duties and will not discriminate against residents, complainants, witnesses or alleged perpetrators. Reasonable adjustments will be made where needed. HCHA will consider whether any reported behaviour, vulnerability or enforcement decision is connected to protected characteristics and will balance this with the need to protect residents and communities from harm.

18. Data Protection and Confidentiality

18.1. HCHA will process personal information in accordance with data protection law. Information will be collected, recorded, stored and shared only where lawful, necessary and proportionate. HCHA will protect confidentiality wherever possible but may share information without consent where required by law, to prevent crime, protect people from harm or support effective case management.

19. Monitoring, Learning and Review

19.1. HCHA will monitor anti-social behaviour performance, including case volumes, response times, risk assessments, customer satisfaction, complaints, outcomes and lessons learned. This policy will be reviewed at least every three years, or earlier where there are changes in legislation, regulation, statutory guidance, Ombudsman expectations or organisational practice.