

Anti-Social Behaviour Policy

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001	01/08/2023	New Policy
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1. Policy Objective & Scope

Anti-Social Behaviour (ASB) can take many forms, ranging from noise nuisance, criminal damage, verbal abuse and other types of criminality. This policy establishes Chime Housing's role in tackling ASB. It covers issues of ASB, harassment and hate crime and unless stated otherwise, it uses the term ASB to incorporate all of these acts.

We recognise that ASB can have a very disruptive effect on neighbourhoods and communities and does not just affect those who are directly involved in the situation. We take ASB seriously and aim to balance enforcement action and intervention with prevention. We adopt a supportive approach when dealing with victim's witnesses and alleged perpetrators and will be flexible in our approach to manage incidents, working in partnership with both internal and external partners to tackle the issues.

Chime Housing is committed to taking effective action and using the powers available to us, where we consider they can provide effective remedy. We recognise that customers and other agencies share this responsibility, and it will not always be appropriate for Chime Housing Homes to lead. We recognise the detrimental effect that ASB can have on the lives of our customers and communities, but it is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can take action where we cannot or where primary responsibility and powers lie elsewhere.

We believe that everyone has the right to their chosen lifestyle providing this does not breach the terms and conditions of any tenancy agreement or lease and/or affect the quality of life of others. This necessitates a degree of tolerance of and respect for the requirements and needs of other people, and we will promote this to customers when responding to their concerns.

This policy applies to customers of all tenures living in a home owned or managed by Chime Housing. This includes but is not limited to:

- general needs
- sheltered housing,
- temporary accommodation,
- intermediate rent
- licensees
- market rent
- leasehold
- shared ownership

If necessary, we may take legal action under the terms of the tenancy agreement, lease, license and other relevant legislation available to us.

This policy will not apply to issues involving Chime Housing employees or our contractors, even if the allegation made meets the definition of ASB. All allegations involving employees or contractors will be dealt with under our Complaints Policy.

This policy will set out our approach to:

- How we will work with partner agencies to deter and tackle ASB in the neighbourhoods where we provide housing, including shared spaces.

- How we tackle and deter hate incidents in neighbourhoods where we provide housing
- Ensuring customers are made aware of their responsibilities and rights in relation to ASB
- Our commitment and how we tackle and deter ASB and hate incidents in the neighbourhood where we provide housing in a way that reflects a shared understanding of other local agencies.
- How we will work with our customers and consider preventative measures tailored towards their needs. Taking prompt and appropriate action to deal with ASB before it escalates, with a focus on resolving the issue and having regard to the full range of tools and legal powers available.
- Ensuring all customers can easily report ASB, how we will keep customers informed about the status of their case where Chime Housing are responsible and how we will signpost customers where we are not.
- Supporting victims and witnesses and working with perpetrators.

2. Contractual, Legislative & Regulatory Requirements

2.1 Contractual and Policies

- Tenancy agreement
- Lease
- Licence to Occupy

This policy links to other policies Chime Housing has in place, including but not limited to:

- Safeguarding Policy
- Equality, Diversity and Inclusion
- Health, Safety and Welfare Policy
- Complaint Policy
- Domestic Abuse Policy

2.2 Legislative

As a business we try hard to keep all these related policies aligned with each other. If you do spot any inconsistency, please do contact the Author at your earliest opportunity and make your concerns known. Your support to keep information clear and consistent will always be welcomed.

References to relevant law:

- ASB Crime and Policing Act 2014
- Housing Acts 1988 and 1996
- Homelessness Act 2002
- Equality Act 2010
- Human Rights Act 1998
- Data Protection Act 2018
- UK General Data Protection Regulation
- Regulation of Investigatory Powers Act 2000 [RIPA]
- Domestic Abuse Act 2021
- Children's Act 2004
- Crime and Disorder Act 1998
- Care Act 2014

- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Environmental Protection Act 1990
- Noise Act 1996
- Protection From Harassment Act 1997
- Protection of Children Act 1978

2.3 Regulatory

Regulator of Social Housing Regulatory (RSH) Standard (April 2024)

- Neighbourhood and Community Standard

Required Outcome - 1.3 Anti-social behaviour

Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

Specific Expectations - 2.2 Anti-social behaviour and hate incidents

- 2.2.1 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.
- 2.2.2 Registered providers must clearly set out their approach for how they deter, and tackle hate incidents in neighbourhoods where they provide social housing.
- 2.2.3 Registered providers must enable ASB and hate incidents to be reported easily and keep tenants informed about the progress of their case.
- 2.2.4 Registered providers must provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to them.
- 2.2.5 Registered providers must support tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance.

3. Definitions

What is ASB?	<p>Anti-social Behaviour is defined by Section 2(1) of the Anti-social Behaviour, Crime and Policing Act 2014 as conduct that:</p> <ul style="list-style-type: none"> • Has caused or is likely to cause, harassment, alarm or distress to any person, • Is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or • Is capable of causing housing-related nuisance or annoyance to any person
Hate Incidents	<p>A hate incident is any incident perceived by the victim, or any other person, to be motivated by prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.</p>

Hate Crime

A hate crime is defined as any criminal offence which is perceived by the victim, or any other person, to be motivated by hostility or prejudice based on a person's race, religion, sexual orientation, transgender identity or disability.

Where an incident of domestic abuse is reported to Chime Housing, we will refer to our Domestic Abuse Policy. Where a hate crime is reported to Chime Housing, we will encourage the victim to report this to the Police and other relevant agencies so that they can investigate. We will make safeguarding referrals to the Local Authority where appropriate. We will deal with such allegations in the context of breaches of tenancy or lease. We will also support victims by signposting to specialist services.

We promote and embrace an equal opportunity and diverse community and where appropriate will offer to refer residents to charities or other organisations to learn about other races, beliefs, orientation or identifications, or disabilities.

What is not ASB?

Reports due to different lifestyles or everyday living situations which are not intended to cause nuisance or annoyance are not considered as ASB. This includes:

- children playing and babies crying
- household noise due to everyday living (e.g. footfall and general movement around the property, proportionate TV, music / radio noise, noise from electrical items such as washing machines or vacuum cleaners and DIY during reasonable hours as defined by local authorities)
- one-off parties, BBQs and celebrations
- cooking odours and reasonable household smells
- vaping and smoking cigarettes
- minor car maintenance and minor disputes between neighbours or personal differences
- reports around ball games
- disputes over boundary issues
- actions which amount to people being unpleasant (e.g. staring at or ignoring people)
- parking disputes

These are examples of possible reports that are not ASB and it is not intended to be a definitive list.

Where the behaviour is deemed not to be ASB, advice will be given to enable self-resolution and managed outside of the ASB policy. Tools such as Chime Housing's Good Neighbour guide and 'Dear Neighbour' cards are available on Chime Housing's website. If we continue to receive repeated reports of non ASB, we will refer the customer back to the original advice given and signpost the customer to support services where appropriate.

Customers should report any criminal activity including illegal drug use and supply to the Police in the first instance.

4. Our commitment

To effectively tackle and deter ASB, harassment and hate incidents or crimes we will:

❖ demonstrate leadership, accountability and commitment in working with statutory partners, such as the police and local authority, to tackle and deter ASB and hate crime so that we all fulfil our respective responsibilities and give a clear message to everyone that we take ASB and hate crime seriously.
❖ ensure staff are well-trained, have the knowledge and confidence to identify and investigate incidents/reports of ASB and work collaboratively alongside appropriate agencies who are leading on such cases.
❖ ensure customers can report ASB to Chime Housing in a range of ways, including online, by phone and in person. Useful information and contact details will be made available as part of our Offer and Ask.
❖ assess each report of ASB on its own merits and specific circumstances when deciding whether or not to classify it as ASB.
❖ signpost customers where another organisation would be responsible for dealing with the ASB.
❖ clearly explain to all new customers at the sign up of their tenancy and welcome visits, the terms of their tenancy that relate to ASB and causing nuisance, so that expectations and consequences are clear.
❖ explain to customers that it is their responsibility to try and resolve disagreements and neighbour disputes by talking to each other and reach a solution based upon mutual understanding. Where resolution is not possible, we may suggest mediation where we believe it could assist in resolving a situation.
❖ log all reports of ASB and any referrals to statutory bodies and monitor the outcomes.
❖ respond sensitively to the victim and adopt high standards of confidentiality when dealing with victims and witnesses.
❖ adopt a victim-centered approach
❖ offer advice and signposting to appropriate third sector support organisations for witnesses and victims of ASB.
❖ develop robust local partnerships and multi-agency working to address ASB through a range of diversionary activities or enforcement action and to share experience and expertise. This may include joint working with the police, local authority services, and participation in local Community Safety forums where appropriate to do so, as well as a range of other agencies.
❖ ensure we consider a range of interventions (e.g. ABC/ABA's, tenancy support, warning letters – this list is not exhaustive) to deter or prevent ASB and where appropriate take legal action by way of injunctions and/or possession proceedings – using mandatory grounds where applicable.
❖ take proportionate action to what's reported when considering what our next steps will be, we will take into consideration the following factors: <ul style="list-style-type: none"> • The type of behaviour • The severity and frequency of incidents The evidence that is available • The impact of the behaviour If anyone else is affected • What action has been taken and if there's been any change to the reported behaviour.
❖ be clear what Chime Housing can or cannot do and agree an action plan with the reporter (victim), including timeframes.

❖ offer support to vulnerable perpetrators, where necessary and appropriate, to help them make the changes necessary to prevent a re-occurrence of the ASB.
❖ promote the view that individuals have the right to their chosen lifestyle providing it does not impact adversely on the quality of life on others.
❖ take action to injunct or evict a perpetrator where it is reasonable and proportionate to do so and the evidence is sufficient and robust enough for a successful legal action, noting that possession action is usually a last resort.

4.1 Categorising ASB

Chime Housing will categorise ASB complaints as follows:

Urgent	<p>This includes (but is not limited to) hate-related incidents, physical violence, threatening behaviour and drug production or supply.</p> <p>We will make first contact within 1 working day and agree an action plan, taking agreed actions within 1 working day.</p>
Medium	<p>This includes (but is not limited to) verbal abuse, harassment, alcohol or illegal drug related ASB, noise nuisance, criminal behaviour and ASB complaints where the severity of the case cannot be determined from the initial report.</p> <p>We will make contact within 3 working days and agree an action plan, taking agreed actions within 5 working days.</p>
Standard	<p>This includes (but is not limited to) vandalism, animal nuisance, garden nuisance, fly tipping and vehicle nuisance.</p> <p>We will make contact within 5 working days and agree an action plan, taking agreed actions within 10 working days.</p>

4.2 Responding to a report of ASB

When we receive a report of ASB, we will:

- Respond to ASB reports in line with severity of incident
- Be clear about what action we can or cannot take
- Involve customers in the action plan to resolve the issue
- Communicate with customers in their preferred method and reasonable levels of frequency and provide up to date information on the progress of the case.
- Carry out a risk assessment and refer to an appropriate third-party support service, or other agency where necessary.

Customers have legal responsibilities set out in the tenancy and lease agreement to behave appropriately and as part of this Chime Housing expects customers not to commit or allow their family/household members/visitors or pets to commit acts of ASB (as defined in Section 6). In addition to the legal responsibilities set out in the tenancy and lease agreements, Chime Housing will encourage all customers to:

- Take responsibility for minor personal disputes with their neighbours and to try to resolve any problems themselves
- Report incidents of ASB to Chime Housing
- Report hate crime and all other crimes to the police
- Respect other peoples' lifestyles

Chime Housing will work in partnership with external agencies to support customers and resolve the ASB reported in line with section 8 of this policy. This may involve signposting customers or making a referral for support services and/or working with the Community Safety Partnership (such as the police or local authority) to review cases and share information with a view to find a suitable resolution. Chime Housing may carry out actions with an external agency appropriate to the case which can include joint visits, ASB surveys, attending customer events and supporting enforcement or criminal action.

Where CCTV equipment is required to aid the resolution of the case, Chime Housing will refer this request to the relevant ASB partnership group to facilitate this data/evidence gathering. Chime Housing customers who have CCTV installed (including Ring Doorbells) with our permission should ensure they respect people's privacy rights and take steps to minimise intrusion to neighbours and passers-by. Further guidance on how to do this and customers responsibilities can be found at <https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/>.

Chime Housing will only deal with cases which involve at least one of our customers and where conduct either directly or indirectly relates to our housing management function. In cases involving a non-Chime Housing customer we will liaise with other agencies and housing providers as necessary.

Where there are ASB issues in shared areas, which Chime Housing may or may not have ownership of, but the issues are being caused by or are causing nuisance to our residents, we will work in partnership with other agencies to try and find a suitable and long-lasting resolution.

5. Community Trigger

Customers have the right for their ASB case to be reviewed as part of the Community Trigger (also known as the ASB Case Review) which is a national tool to provide support to resolve ASB cases. Each local area sets a threshold which must be met for the Community Trigger to be used, and the local police or council will usually lead on this.

The Community Trigger cannot be used to report new cases of ASB and does not replace our Complaints process.

6. Confidentiality and Data Protection

Chime Housing will explain to the complainants that it may be necessary to disclose information to other statutory agencies such as the local authority or the police. Information will be shared with other agencies where there is a duty to do so, and/or where information sharing protocols are in place.

We will only share information in line with the agreed Information Sharing Agreement, which Chime Housing has signed up to, which covers:

- What information will be shared
- What powers in law provide the ability to share information
- How the information will be shared
- Who the partners to the agreement are, and
- Any necessary security requirements