



Places to live. Space to grow.

# Community Safety Policy

We are committed to ensuring all customers can access and understand our policies. If you need to read any of our policies in a different format (such as braille or in another language), please contact us.

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## 1.Introduction and Aims of this policy

This policy applies to customers of all tenures living in a home owned or managed by West Kent this includes (but not limited to), general needs, supported and Emerald schemes, shared owners, and leaseholders. It is our vision to provide homes and build communities that residents are proud to live in, with better support to sustain a successful tenancy and manage life change

West Kent will adopt a victim centered approach to managing Community Safety Issues

It is important to state that individuals have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made against them.

We will work to manage resident's expectations regarding behaviour that is not deemed anti-social behaviour (ASB). We will offer advice and guidance to encourage and enable them to deal with or manage the situation themselves.

We will adopt a partnership approach to tackling community safety issues. We will work with the following agencies (but not limited to); Police, Local Authorities, Kent Fire & Rescue Service (KFRS), Kent and Medway NHS and Social Care Partnership Trust

Complainants and witnesses of ASB will be encouraged to play a full part in resolving the issues, this will include the complainant taking responsibility be part of the solution to resolve the ASB, ie take part in mediation, keeping diary notes of incidents to justify any action, using technology such as a noise app, reporting issues to police and local authorities. Whenever possible, the views of complainants and witnesses will be taken into account when managing ASB cases.

Any action taken against those who commit ASB will be firm and proportionate to the supporting evidence.

Reports of Domestic Abuse will be managed by our Domestic Abuse Policy and Procedure in conjunction with this policy

## **2.What is ASB?**

West Kent has adopted the definition as defined by Section 2(1) of the Anti-social Behaviour, Crime and Policing Act 2014 as:

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

We consider the following as some examples of behaviour that would be treated as ASB

- Physical violence, such as assault, use of weapons
- harassment
- drug-dealing
- Verbal abuse
- Criminal Behaviour
- Hate related behaviour
- Fly tipping/Littering

- disturbance caused by noisy pets
- Vandalism/Criminal Damage and Graffiti
- noise nuisance (e.g. loud music, excessive shouting)

**West Kent residents have advised us that the ASB that causes them the most concerns is noise nuisance, cannabis use, fly-tipping and hate crime/incidents. We have detailed below how we will manage these individual types of ASB.**

### **3.Noise Nuisance**

We understand that noise nuisance can impact residents in different ways. Before we investigate a report of noise nuisance, we would encourage tenants to speak to the other party themselves it is most likely that the person making the noise isn't aware they are causing a potential nuisance.

To investigate a report of noise nuisance we will require the person complaining to complete "incident diaries" so we can assess the frequency and the impact that the noise is having on you. We will consider other methods of monitoring the noise, such as use of a noise app, if provided by the local authority where you live.

We will promote the use of mediation services as a suitable method of resolving difference of lifestyle.

We would also encourage you to report noise nuisance to your local authority who will investigate whether the noise is causing a "Statutory Nuisance" under the Environmental Protection Act 1990. The local authority may be able to provide sound monitoring equipment to aid investigation. West Kent do not own any sound monitoring equipment

### **4.Cannabis Use**

The use of cannabis in your home, garden and communal area is a criminal offence It is a breach of your tenancy agreement to allow your property to be used for illegal or unlawful activity.

Action can only be considered if there is proof of cannabis use (rather than incense or vaping) and there is substantial evidence that a nuisance is being caused by the use of cannabis such a detrimental impact on your health and well-being. We will try and resolve these types of cases through non legal intervention and support.

If you suspect a neighbour is using illegal substances, you should also report this to Kent Police on 101 or via their website.

## 5.Fly-tipping

Where items have been fly tipped on our land we will investigate to see if we can establish the person/s responsible and then recharge them for the removal of the items. We will remove any fly tipping within 28 days. If a resident persistently fly tips, we will work with our partner agencies to take enforcement action which may lead to a Fixed Penalty Notice (FPN) being issued. We may also take action against your tenancy by service a Notice of Seeking Possession.

## 6.Hate crime/Incidents

West Kent will not tolerate any acts of ASB which is hate motivated. Our definition of a hate incident is:

*Any incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person's race or perceived race / religion or perceived religion / sexual orientation or perceived sexual orientation / disability or perceived disability / transgender or perceived to be transgender*

Hate crimes and hate incidents are based or motivated by:

- race or ethnicity
- religion or belief
- sexual orientation
- disability
- transgender identity

We will also deal with an incident as a hate incident if it is a result of any protected characteristics under the Equality Act 2010.

## 7.What is not considered as ASB?

Not every allegation reported to us will be investigated as ASB.

Reports around ball games, disputes over boundary issues, actions which amount to people being unpleasant (e.g. staring at, glaring, pulling faces or ignoring people), parking and other neighbourhood issues are not generally considered to be ASB, however we may investigate these if you are a vulnerable person.

Reports due to different lifestyles or every-day living situations which are not intended to cause nuisance or annoyance are not generally considered as ASB

This can include but is not limited to:

- children playing and babies crying,

- household noise due to every-day living (e.g. proportionate TV, music / radio noise)
- noise from electrical items such as washing machines or vacuum cleaners
- DIY during reasonable hours as defined by local authorities, usually between 8am and 9pm weekdays, 8am to 7pm on Saturdays and 10am to 5pm on Sundays
- noise created by someone due to a disability/vulnerability/mobility aid,
- one-off parties,
- BBQs and celebrations,
- cooking odours and reasonable household smells, smoke, minor car maintenance,
- one off arguments and
- minor disputes between neighbours or personal differences, this includes the use of private CCTV or trespassing.

We reserve the right to not investigate historical reports (over 6 months old) if there have not been any recent acts of ASB

If we decide that there is no reasonable action that can be taken to deal with the issue reported, then we will inform the complainant or witness of this decision and provide an explanation as to why.

## **8.Customer Responsibilities**

We expect our residents to show consideration to their neighbours and community, and not to commit, or allow their family or visitors to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, to other residents, their visitors or other people in the area, including colleagues and contractors.

In addition to the contractual responsibilities set out in their tenancy agreement or lease, we will encourage customers to:

- Speak to the other party when it is safe to do so in an attempt to resolve issues at early stage.
- Be realistic about what we can do as your landlord.
- Report all crimes, including threats or acts of violence, to the police
- Report all incidents of ASB, harassment and domestic abuse to West Kent and the relevant statutory agencies such as the police or your local council
- Take responsibility for minor personal disputes with their neighbours and to try to resolve such problems themselves in a reasonable manner
- To keep in regular contact with us.
- Respect other peoples' right to their chosen lifestyle and everyday reasonable level of disturbance
- Work with us to resolve disputes/issues, for example by reporting incidents, providing witness statements, attending court etc

## **9.How to report Community Safety concerns**

- Reporting Community Safety matters to West Kent should be accessible to everybody.

- Anyone can report matters relating to Community Safety directly to us. You can do this by either calling us, in writing, in person, by email, on our website or via our portal
- We will accept Community Safety reports from a customer's third-party representative if they are deemed vulnerable however we cannot respond without the resident's written permission
- We may investigate reports if they have been made to a third party, such as police or local authority.
- If your report also relates to a criminal matter this should also be reported to the police.
- For those whose first language is not English we will, where necessary, provide the services of an interpreter.
- In an emergency where there is threat to life or a crime in progress then the Police should be contacted on either 999 (emergency) or 101 (non-emergency)

## **10. Confidentiality**

West Kent will make every attempt to keep the identify of those making reports of ASB confidential to the alleged perpetrator, if the complainant wishes. However due to the nature of the incident it may be clear as to where the source of the report has come from. We will discuss this with you and talk through the process.

We will accept anonymous complaints however these will be recorded on our system as "log only" if there is no means of reasonable investigation.

## **11. Case Management**

In all cases we will:

- Treat the complainant with compassion and fairness when asking questions to understand what is being reported.
- Triage the report and be honest and tell the complainant when they should speak to the person themselves first, or if the complaint is not reasonable
- Allocate to a lead officer for investigation if the complaint is within our remit to address. The Community Safety Team will manage cases of physical violence, serious threats of violence, and hate crime. All other reports will initially be investigated by the Tenancy Services Officer or Scheme Manager.
- Contact the complainant within five working days (or within one working day if the complaint involves domestic abuse or physical violence, serious threats of violence or hate crime. We will complete a risk assessment to identify the level of harm experienced by the complainant and/or any vulnerabilities or support needs as soon as possible. We will not complete a risk assessment on non-ASB reports
- Agree together what will happen next to investigate the complaint
- Keep in regular contact with you by agreeing the method and frequency of contact, this would usually be at least every two weeks.
- We will regular review the actions taken to investigate the compliant and will review the action plan at a minimum every three months.

## **12. Safety Measures**

Where appropriate, and where we have the resources to do so, we may make improvements to a specific area or neighbourhood to manage ASB.

Examples of this may include: -

- Installing of Overt and Covert CCTV, including ring doorbell
- Improved lighting
- Window and door locks
- Arson-proof letter boxes (these can be provided by KFRS)

### **13. Working Together in Partnership**

We recognise that we cannot tackle Community Safety alone. Below are some of the different agencies we work with:

- Local Authorities, such as Sevenoaks District Council
- Kent County Council
- Kent Fire and Rescue Services (KFRS)
- Kent Police
- NHS Medical/Mental Health Teams
- Probation
- Social Care (Adult and Children)
- Third or Voluntary Sector Service Providers
- Trading Standards
- Crown Prosecution Service (CPS)

We will comply with our Data Protection and Confidentiality policies when managing ASB. Only in certain circumstance can personal information be shared between agencies without the consent of the person concerned. Our organisation is committed to working in partnership with the police, social care departments, and other relevant organisations or their equivalent strategic partnership boards in accordance with their local procedures, thresholds, and information-sharing protocols. This is essential to enable these organisations to carry out their statutory duties to investigate concerns and protect vulnerable people.

For more information on how we manage your data please visit our website

<https://www.westkent.org/privacy/>

### **14. Intervention**

West Kent will take a customer focussed approach to tackling ASB. Working with the complainant and the alleged perpetrator, we aim to reach agreed actions, timescales and ultimately resolve the issue. We recognise that early intervention is important to stop cases escalating to ensure that our residents can live peacefully in their homes. We will use the following approaches for early interventions:

Develop robust local partnerships and multi-agency working to address ASB with a view to signposting or referring customers where appropriate.

Non – Legal actions we may take (but not limited to):

- Interviewing the other party suspected of causing the anti-social behaviour



- Warnings – Before taking any legal action, warnings can be issued to the person causing the ASB if there is evidence to do so. All issued warnings are recorded and monitored.
- Acceptable Behaviour Agreements (ABA) – This is a written contract drawn up between the alleged perpetrator and West Kent. It is not legally binding. The ABA will stipulate what acts the person believed to committing the ASB, is not to carry out and will include some positive requirements.
- Good Neighbour Agreements (GNA)
- Mediation – We will consider mediation where a discussion between neighbours has not been possible or has not resolved the issue. This is a voluntary process.
- Referral to Support Services, such as drug and alcohol or Tenancy Sustainment Services.
- Enforcing the terms of a tenancy agreement or lease
- Extending Starter Tenancies

## **15.Enforcement**

Our aim is to support residents to sustain their tenancies and we will use the non-legal tools to try resolve the ASB. However, the law has created tools that West Kent can access to manage ASB cases, which we will in a proportionate and appropriate manner. Our approach includes engaging with complainants and alleged perpetrators, providing support and/or taking enforcement action.

We will use legal action where necessary, but in general we will try to work with perpetrators and complainants to resolve the situation without resorting to this. Early interventions as listed in section 14, is our preferred first approach, however we recognise that due to the serious nature of an incident this might not be appropriate. When considering the appropriate legal action, we will consider the best options to help sustain tenancies and manage life changes. Where this hasn't worked or is not appropriate, we will use legal action including:

- Injunctions, which can include positive requirements as well as prohibitions exclusions, and undertakings (a promise to the court)
- Possession
- Mandatory possession order using ground 7a of the Housing Act 1988
- Use of Section 21 of the Housing Act 1988 for starter tenancies
- Eviction

If the decision is made to take mandatory possession against you either under Grounds 7a of the Housing Act 1988 or Section 21 you will have the right to appeal this decision before we make an application to court. Any appeals will be managed by our Tenancy Panel.

## **16.Other Agencies Powers**

There may be times where we may ask our partners to use tools and powers that West Kent are unable to use due to legislation these include but not limited to;

- Community Protection Warning/ Notice

A Local Authority (LA) or Kent Police have the power to issue a Community Protection Notice – Warning (CPW) if they believe that a person's conduct is having a detrimental effect

on the quality of life of those in the locality they live, and that the behaviour is persistent or continuing in nature and is unreasonable.

The CPW will outline the unacceptable behaviour and what the perpetrator must do or must not do. If a person fails to comply with the terms of the CPW then the LA may issue a Community Protection Notice (CPN). If a person breaches a CPN then they may receive a Fixed Penalty Notice (FPN) or a fine of up to £2,500.

- Closure Order

The local authority or Kent Police have the power to ask the magistrates to close a property initially for up to three months if they believe that a particular premises has or is likely soon to result in nuisance to members of the public or that there has been or is likely soon to be disorder near those premises. A Closure Order may prohibit access by all persons except those specified at all times and in all circumstance

- Criminal Behaviour Order

A criminal behaviour order (CBO) is an order made in the criminal courts (Magistrates' court, Crown Court or Youth court) aimed at preventing ASB by a person who has been convicted of any other criminal offence.

## **17.Closing of Cases**

West Kent will always try to contact the resident before closing a case to discuss the outcome. If we are unable to make contact via your preferred method, we will try again, but if we are still unable to contact you, we will write explaining why we are closing the case.

West Kent will close the ASB cases in the following circumstances:

- Where we conclude that ASB has not taken place or has ceased, or the behaviour reported is not unreasonable.
- Where we have delivered the actions that are appropriate, and we believe there is no further action necessary.
- Where we have passed the case to a third party which is better placed to deal with the problem, and there is no further action for West Kent
- Where the reporting party, victims and witnesses fail to engage with West Kent, or our assessment and/or investigations leads us to conclude that no further action is needed.

We may also close cases in the following circumstances:

- The complainant/reporting party fails to provide information requested by us to enable us to progress the case.
- There is insufficient evidence; or
- No further action is possible.
- We suspect that the complainant is malicious

## **18.Fairness**

We are committed to treating everyone with whom we come into contact fairly. We will consider any needs victims or perpetrators may have. We will provide information that is easy to understand.

We will ensure perpetrators and victims are clear about the action West Kent is taking, and what action could be taken if problems continue and there is evidence. This may mean using a third party or advocate when necessary. We will also refer them to other agencies such as social services and support providers if necessary.

We may also contact partners such as the police, social services, the person's GP or community psychiatric nurse, if necessary, to obtain information in accordance with our legislative rights and regulations to request and share personal information to prevent crime and disorder.

## **19.Compliance and Monitoring**

Current ASB cases are monitored, and residents will be kept in regular contact about their case. ASB case reviews will be undertaken by the Tenancy Services Manager or Community Safety Manager

The Community Safety Manager will carry out regular audits to assess the management of the ASB case against this policy.

Where identified, we will review and report our performance on ASB and Hate Crime and non-ASB reports to our senior management teams, our Boards, our residents, and to the regulator.

We will also contact residents who have used our services to ask them their views and this information will be reported on and used to improve the services that we offer.

This policy complies with our duty under the regulatory requirements of the social housing regulators Neighbourhood and Community Standard.

## **20.ASB Case Review – Also known as the Community trigger**

The ASB, Crime and Policing Act 2014 introduced the ASB Case Review, often referred to as the Community Trigger as a safety net for victims of ASB who believe that they have not had a satisfactory response

Whilst West Kent does not have the statutory duty to undertake this process, we are committed to working with those agencies and will take part in any ASB Case Review that impacts our residents

Each local authority in Kent is responsible for setting the threshold for what is considered a qualifying complaint of ASB. However, the threshold must be no higher than three qualifying complaints of ASB in a six-month period.

If you feel you have not had a satisfactory case outcome, we can signpost you to local authority.

## **21.Staff Training**

The success of this policy and its implementation depends on the knowledge and confidence of West Kent staff. All staff managing ASB cases, will receive mandatory training and will be expected to support our commitment to managing domestic abuse.

## 22.Appeals and Complaints

Appeals and complaints about how an ASB case has been managed will be dealt with by our Customer Resolution Team following our complaint's procedure.

## 23.Review

This policy will be reviewed every three years – unless legislation, business or sector developments require otherwise – to ensure that it continues to meet the stated objectives and takes account of good practice developments

## 24.Key Legislation

There is a range of relevant legislation that addresses different aspects of Community Safety.

- Housing Acts 1985, 1988 and 1996
- Protection from Harassment Act 1997
- The Crime and Disorder Act 1998
- Anti-social Behaviour Act 2003
- Racial and Religious Hatred Act 2006
- ASB, Crime and Policing Act 2014.

### Associated Documents:

- Community Safety Procedure
- Domestic Abuse Policy
- Safeguarding Policy

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