



Anti-social Behaviour and Hate Crime Policy

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1 Introduction

1.1 The aim of the policy:

Tai Tarian is committed to making a difference. In pursuit of this vision the Anti-social Behaviour and Hate Crime Policy ("Policy") aims to help Tai Tarian provide a safe and secure environment for our contract-holders, leaseholders and licensees (hereafter called "contract-holders" for the purpose of this document) to live in; by preventing and tackling anti-social behaviour ("ASB") using the most appropriate means.

1.2 This policy covers contract-holders, residents (and their visitors), staff and other stakeholders.

2 General Principles

2.1 Tai Tarian and contract-holders believe everyone has the right to enjoy their lives in their own way provided they respect the needs of other people within their community and stay within the law. Tai Tarian will seek to prevent and tackle ASB that is caused by or is affecting our contract-holders, staff and the wider community in the most appropriate way.

2.2 The approach includes providing appropriate advice and asking contract-holders to take responsibility to help look after their home, respect their neighbours, community and Tai Tarian staff. By working with contract-holders, they will be empowered to deal with ASB themselves wherever possible. Appropriate action may be taken against any person who behaves in an anti-social way to any member of staff, contractor or representative of Tai Tarian.

2.3 Tai Tarian will provide advice about ASB and will work in partnership with other agencies. However, there will be circumstances where Tai Tarian is not the most appropriate person to take action. Where this is the case, Tai Tarian will assist by signposting or referring the ASB to the most appropriate agency (e.g. the police; Environmental Protection Teams).

2.4 There may be circumstances where Tai Tarian cannot take action. If this is the case, Tai Tarian will advise the victim and explain why it cannot help. If appropriate, Tai Tarian will refer the victim to other agencies.

2.5 Tai Tarian is working in partnership with contract-holders, community members and partners to create a 'Sustainable Community'. This is a community within which people:

- Feel safe and secure
- Have a sense of belonging
- Have friends and good neighbours – all supporting each other
- Have a good social life and things to do
- Live in an attractive, clean and tidy environment

2.6 ASB has a negative impact on all of these aims, preventing people from enjoying their lives and their communities. The objectives of this policy are as follows:

- Ensure those experiencing ASB feel supported, respected and valued
- Provide the right information, keep people informed and resolve the problem
- Allow for different levels of response depending upon the seriousness of the behaviour
- Focus upon prevention
- Involve all relevant partners – contract-holders, community members and other professional organisations

3 Definitions

3.1 Anti-social Behaviour

The definition of ASB is set out in **Section 55 of the Renting Homes (Wales) Act 2016** for the purposes of possession claims under this act as follows:

(1) The contract-holder under an occupation contract must not engage or threaten to engage in conduct capable of causing nuisance or annoyance to a person with a right (of whatever description) —

- (a) to live in the dwelling subject to the occupation contract, or
- (b) to live in a dwelling or other accommodation in the locality of the dwelling subject to the occupation contract.

(2) The contract-holder must not engage or threaten to engage in conduct capable of causing nuisance or annoyance to a person engaged in lawful activity —

- (a) in the dwelling subject to the occupation contract, or
- (b) in the locality of that dwelling.

(3) The contract-holder must not engage or threaten to engage in conduct —
 (a) capable of causing nuisance or annoyance to —
 (i) the landlord under the occupation contract, or
 (ii) a person (whether or not employed by the landlord) acting in connection with the exercise of the landlord's housing management functions, and
 (b) that is directly or indirectly related to or affects the landlord's housing management functions.

(4) The contract-holder may not use or threaten to use the dwelling subject to the occupation contract, including any common parts and any other part of a building comprising the dwelling, for criminal purposes.

(5) The contract-holder must not, by any act or omission —
 (a) allow, incite or encourage any person who is living in or visiting the dwelling to act as mentioned in subsections (1) to (3), or
 (b) allow, incite or encourage any person to act as mentioned in subsection (4).

The definition of ASB is set out in **Section 2 of the Anti-Social Behaviour Crime and Policing Act 2014** for the purposes of injunctions or other remedies sought under this act is 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
- Conduct capable of causing housing-related nuisance or annoyance to any person

ASB encompasses a range of behaviours. At its most serious it can cause mental distress or injury to people and/or damage to property. At its least serious it can cause nuisance and annoyance. It includes:

- Actual or threatened violence
- *Hate crime e.g. racial harassment
- *Domestic abuse (refer to Domestic Abuse Policy)
- Verbal abuse, bullying and intimidation
- Alcohol and drug misuse
- Litter or dog mess in public areas, graffiti and fly tipping
- Noise nuisance - people, music, vehicles and animals

*The above list is not exhaustive because ASB covers a range of behaviours including those that are the result of domestic abuse and hate crime. Tai Tarian will provide appropriate advice, work with agencies who can help support

victims and liaise where appropriate with the Police when dealing with such cases. See Appendix 1 for an outline of what may not be ASB.

3.2 Hate Crime

A hate crime is a criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. This can be committed against a person or a property. Incidents can range from low risk ASB to harassment, abusive language, criminal damage/damage to property, threats and physical violence. Tai Tarian takes the view that hate crime is unacceptable. Tai Tarian will work in partnership with the South Wales Police Hate Crime Officer and other agencies to support victims, investigate complaints and deal with perpetrators quickly and firmly.

4 Approach

4.1 The approach Tai Tarian takes when dealing with ASB will at all times be respectful, non-judgemental, honest and open.

4.2 Tai Tarian aims to address ASB by:

- Dealing with ASB in a firm but fair manner, and adopting a solution focussed approach.
- Responding promptly to complaints of ASB and (where possible and appropriate) intervene at the earliest opportunity to stop ASB escalating.
- Giving clear and appropriate, information and advice on what contract-holders can do to help deal with ASB, focussing on practical ways of trying to resolve problems.
- Actively encouraging engagement between parties through mediation, aiming to resolve issues before they escalate.
- Taking a proportionate response to the ASB, which includes enforcing the terms of the occupation contract or licence where appropriate using the appropriate remedy and taking account of the legal requirements which Tai Tarian must meet.
- Completing risk assessments to help identify repeat victim and/or vulnerability status, support needs and formalise the proactive approach to contacting and ensuring parties are aware of support bodies.
- Liaising with agencies who can provide support to victims and respondents throughout the case, including if required to give evidence in court.
- Helping to identify the support needs of contract-holders and referrals will be made to the appropriate agencies to assist in trying to resolve the issues and sustain the occupation contract.

- Working in partnership with the Police and other agencies.
- Working with contract-holders and residents to identify local solutions for local problems.

4.3 Tai Tarian will work in partnership with Neath Port Talbot County Borough Council, statutory and voluntary agencies. Tai Tarian will attend relevant multiagency meetings, make referrals to and liaise with other services to prevent and combat ASB. Tai Tarian recognises that ASB may be due to an unmet support need or other social factors. In many instances, timely intervention by specialist agencies and support can achieve long term change, improve behaviour and maintain tenancies. Examples include:

- ASB problem solving group
- MAPPA (Multi-agency Public Protection Arrangements)
- MARAC (Multi-agency Risk Assessment Conference)
- Safer NPT Partnership
- Prevent (anti-terrorism)
- Channel panel (collective assessment of risk)
- *Registered Social Landlord (RSL) Information Sharing Agreement

4.4 As part of the RSL Information Sharing Agreement, Tai Tarian works in partnership with South Wales Police to ensure regular reports are received of any occurrences connected to our properties. Information is shared about incidents of ASB, low risk crime and domestic abuse. This enables Tai Tarian to work proactively with the police to ensure contract-holders feel secure in their homes.

4.5 Occupation contracts are legally binding contracts to occupy Tai Tarian's properties. The contract will clearly set out the contract-holder's rights and responsibilities, including the standard of acceptable behaviour required of them, their family members and visitors. The contract-holder's approach should be to comply with the standard of acceptable behaviour and be realistic about the action that Tai Tarian can take to prevent and tackle ASB. Tai Tarian recognises that it is not always possible to resolve ASB or deliver the desired outcomes of the complainant, so we always carefully manage expectations throughout the process.

5 The Legislative and Strategic Context

5.1 This policy complies with the legislative and good practice requirements, having regard to the following legislation:

- Housing (Wales) Act 2014
- Anti-social Behaviour, Crime and Policing Act 2014

- Anti-social Behaviour Act 2003
- Crime and Disorder Act 1998
- Children Act 1989
- Data Protection Act 2018 and UK General Data Protection Regulations (the “**UK GDPR**”) (together the “**Data Protection Legislation**”)
- Equality Act 2010
- Homelessness Act 2002
- Housing Acts 1985, 1988, 1996 and 2004
- Human Rights Act 1998
- Renting Homes (Wales) Act 2016 (as amended 2021)

5.2 Any action which Tai Tarian takes will be in accordance with current legislative powers.

6 Prevention and Early Intervention

6.1 Tai Tarian has drawn upon the principles of a co-design approach for this policy, which has strengthened our working arrangements, including those for the prevention of ASB and early intervention as it maximises the use of all available assets. Solutions will be innovative and flexible in dealing with each ASB case on an individual basis.

6.2 Residents, contract-holders, the wider community and professionals who support them have and will continue to, work together to pool their expertise to create more effective ASB services. The approach assists residents and contract-holders to explore how they can build their own support systems and understand how Tai Tarian, and other professionals will help deal with ASB.

6.3 The Anti-social Behaviour Crime and Policing Act 2014 introduced the “Community Trigger” (also known as the ASB case review) to ensure victims and communities have the opportunity to request a review of the way their case is handled. Tai Tarian will work with the relevant partners to meet this duty.

6.4 Tai Tarian is aware that it can play an important role in introducing measures to prevent ASB from occurring at an early stage. Tai Tarian will seek to address problems quickly in an effort to achieve the best results. Where appropriate Tai Tarian will consider non legal remedies to prevent and tackle ASB in the first instance. Remedies used will depend on the nature of the ASB. These may include:

- Mediation
- Good neighbour agreements

- Formal written warnings reinforcing the terms of the occupation contract or lease
- Referrals to support agencies
- Joint working with other agencies
- Parenting Agreements
- Acceptable behaviour contracts
- Rehabilitation of perpetrators and support for vulnerable groups
- Options from the ASB toolkit of remedies

7 Legal Action

7.1 Where legal action is required (for example, where non legal steps are not appropriate or have proved ineffective to tackle the ASB) Tai Tarian will use the full range of legal remedies available to prevent and tackle ASB. These include:

- Injunctions
- Possession Proceedings
- Prohibited Behaviour Standard Contracts

7.2 Tai Tarian will, if required to use legal remedies to prevent and tackle ASB, seek to recover the cost of the legal action from the perpetrator.

8 Young People (10-17 years old)

8.1 Where an alleged subject is aged between 10 and 17 years old, parents or guardians of the young person may be encouraged to get involved in any communication arrangements about the ASB with the alleged subject. Tai Tarian will, with assistance from other partners, work to address the underlying cause of the ASB committed by the young person.

8.2 In cases where the young person is involved in serious and/or persistent ASB Tai Tarian may consider legal action against the young person or their parent/guardian.

9 Data Protection and Information Sharing

- 9.1 All personal data processed by Tai Tarian is subject to the requirements of the Data Protection Legislation. This means that Tai Tarian must follow the key principles in the Data Protection Legislation including having a lawful basis to process personal data for ASB.
- 9.2 There may be times when Tai Tarian will share relevant information with others or where the law requires to do so, and this includes the safeguarding of children and individuals at risk. When sharing personal information, we will comply with Data Protection Legislation. Where appropriate this may be on the basis of consent, and this will be made clear to individuals at the time. Where consent is not given or is withdrawn it is explained that this may limit our ability to act in some circumstances.
- 9.3 All information and consents will be handled in line with the Tai Tarian Privacy Statement.

10 Confidentiality

- 10.1 Information that is passed to us relating to ASB is treated as confidential subject to the disclosure exceptions permitted by the Data Protection Legislation and Crime and Disorder Act 1998. On the receipt of a complaint, permission will be sought from the complainant regarding the disclosure of any information which may identify the complainant personally to the alleged perpetrator, legal representatives or other interested parties.

11 Consultation

- 11.1 This policy draws upon the principles of a co-design approach, through involving contract-holders, partners and staff.

12 Consequences of Non-Compliance

- 12.1 Without this policy Tai Tarian would not be compliant with legislation and good practice.
- 12.2 Any complaints about Tai Tarian's failure to comply with the policy and/or the associated ASB Procedure will be dealt with through our Service Issues, Concerns, Complaints and Compliments Policy.

12.3 Residents and contract-holders who fail to comply with this policy may face a variety of actions as a consequence.

13 Links with other Policies, Procedures and Strategies

13.1 The below is not an exhaustive list but some examples include:

- Anti-social Behaviour Procedure
- Social Lettings (includes allocations policy), Pets, Domestic Abuse, Protecting People and Properties, and Client Alerts
- Local Wellbeing Plan and Safer NPT Partnership
- RSL Information Sharing Agreement
- Unacceptable Behaviour by Complainants Procedure
- Service Issues, Concerns, Complaints and Compliments Policy
- Employee Code of Conduct Procedure
- Privacy Statement
- Tai Tarian process maps for ASB

14 Welsh Language Implications

14.1 This policy complies with Tai Tarian's Welsh Language Scheme.

15 Equality Implications

15.1 Tai Tarian is committed to giving an equal service to all. Any action taken under this policy will comply with Tai Tarian's Equality, Diversity and Inclusion Policy and current equalities legislation

16 Policy Monitoring

16.1 This policy will be monitored on a regular basis to ensure that it meets legal requirements and remains fit for purpose and innovative. This will include the monitoring of performance indicators and consideration of feedback from contract-holders to evaluate and review the service as required.

- 16.2 Feedback takes into account the findings of ASB customer satisfaction surveys and Welsh Government surveys of people's perceptions. The requirements for staff training and guidance will also be monitored to ensure staff can fulfil their roles and responsibilities.

17 Policy Review

- 17.1 This policy will be further reviewed after three years or earlier if there are changes to the relevant legislation or service delivery which require the policy to be updated.

18 Accessibility

- 18.1 A copy of this policy will be made readily available to all stakeholders on request and will also be found on Tai Tarian's website.

* Registered social landlord (RSL) and housing association are terms in use within the housing sector. The Renting Homes (Wales) Act 2016 has introduced the term 'community landlord' which is primarily local authorities and registered social landlords

Appendix 1

TYPES OF ASB

The term 'anti-social behaviour' covers a wide variety of behaviour that can cause distress to the community. However, we do not classify everything that is reported to us as ASB. For example:

- People mowing their lawns
- People vacuuming
- People walking across a wooden floor whilst wearing shoes
- People using washing machines
- Children falling out with each other
- Cooking smells
- Noise of a child playing in or near their home
- The opening and closing of doors
- Walking up and down stairs

The above are considered to be everyday living noises or minor lifestyle differences rather than ASB. They will not therefore be investigated as ASB.

However, people are not expected to have to endure unreasonable and persistent levels of noise nuisance. Some of the examples above could be a noise nuisance if they were to regularly occur late at night.

Children playing ball games is not considered to be ASB, unless those playing ball games are engaged in more serious nuisance, such as verbal abuse or criminal damage. We will not take action against children for playing ball games as this would be unreasonable and disproportionate.