

Anti-social Behaviour Policy

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1.0 Introduction

As a social landlord, we are steadfastly committed to preventing anti-social behaviour (ASB) and tackling ASB at an early stage, to ensure tenants and leaseholders feel safe and secure in their homes and in their neighbourhoods. This policy and procedure will clarify our approach for dealing with ASB and the measures available to the Council for tackling ASB effectively and proportionately, in line with the relevant legal and regulatory framework. This document has been developed in accordance with the Housing Act (1996), which requires all social landlords to prepare and publish statements of policies and procedures in relation to ASB; the Anti-social Behaviour, Crime and Policing Act (2014) which introduced legal powers for tackling ASB; the Neighbourhood and Community Standard, which sets out the expectations and outcomes of ASB provision; and the ASB commitments for social landlords within the Social Housing White Paper (2020).

We recognise that the causes of ASB are complex and when ASB does occur, often it can have an impact on the health and wellbeing, safety and welfare of the victim and wider community. To ensure that we have a victim-focussed approach and, a focus on rehabilitating the perpetrators of ASB, this document will outline how we will work in partnership with agencies across the local system to provide the necessary support to both the victim of ASB and the perpetrator. Equally, we will have regard to the full range of powers available to the council to deal with the perpetrator. This will also include having clearly defined roles and responsibilities, to avoid duplication and to ensure tenants have clarity on who to turn to when ASB does occur and throughout the procedure.

There may be instances in which the victim, or other members of the community feel that more can be done to tackle ASB. We outline our arrangements for the communities' right to request a review of an ASB case, in line with the Anti-social Behaviour, Crime and Policing Act (2014).

This ASB policy enhances the Lambeth Made Safer Strategy (LMSS) vision, aiming to make Lambeth the safest place in London for children, teenagers, and young adults. Lambeth Council and our partners are committed to tackling violence affecting young people through the development and implementation of our Preventing Serious Youth Violence Programme. We understand the role ASB plays in perpetuating serious youth violence. Through the commitments in LMSS (Intervene early and prevent) we have committed to working with our young people to create interventions that range from enforcement, support, and assist to tackle ASB.

The ASB Policy will be supported by the ASB Procedure which will provide the detail for how the policy will be practically applied.

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.

2.0 Aims of Policy

The aim of this policy and procedure is to set out our policy approach and how we intend to practically deliver our statutory and regulatory responsibilities in respect of ASB. Specifically, our aims are as follows:

- Prevent and minimise the risk of ASB before it occurs;
- Resolve instances of ASB as early as possible through timely and appropriate intervention;

- Ensure we have a victim-focused approach and a focus on rehabilitation throughout the procedure by partnership working with internal and external partners to ensure the most appropriate support is provided;
- Good, effective communication and regular updates to victims by providing a point of contact;
- Ensure that both partners and residents have clarity about the varying roles and responsibilities of the agencies that are involved in applying this policy and procedure;
- Treating people fairly and equally, ensuring that any action taken to tackle ASB is proportionate and reasonable by having regard to whether someone is vulnerable and full use of the range of legal and early intervention measures available;
- Reduce escalation of serious youth violence;
- To deliver a high-quality, resident-focused service and increase the level of resident satisfaction with ASB provision.

The policy also supports the wider aims of the Lambeth Made Safer Strategy:

- Identify, acknowledge and address systemic racism, homophobia and all other forms of discrimination;
- To develop and embed a whole system approach to preventing violence against young people;
- Recognise that ASB can be a precursor to other crimes, and that our policy will support the identification and prevention of other crimes throughout.

3.0 Who is this Policy for?

This document applies to all the identified teams within the council and external agencies that support the application of the ASB Policy and Procedure. It also acts as a guide for tenants and leaseholders that reside within Lambeth Council's housing stock, young people, and residents more broadly, that may cause or be affected by ASB relating to the council's housing stock.

4.0 ASB Policy Statements

4.1 Definition of ASB

ASB is a broad term and various legislation has offered varying definitions. For the purposes of this document we will adopt the most recent definition, as captured in the Anti-social Behaviour, Crime and Policing Act (2014), which 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.

Lambeth's tenancy agreement and lease agreements provides examples of what constitutes ASB and is therefore, prohibited under the terms of the agreement.

A 'reporting person' refers to the individual that has made the ASB complaint via one of the avenues of reporting ASB to the council. The avenues of reporting ASB are identified in the ASB Procedure.

The 'alleged perpetrator' or 'perpetrator' refers to the individual accused of ASB (by the reporting person) or the individual that has been found to have committed the ASB.

4.1.1 Primary and sub-categories of ASB

The categorisation of ASB and examples of the type of behaviors concerned are identified in the table below.

Primary Categories	Sub-Categories (not an exhaustive list)
1. Noise	Loud music, DIY noise, cars, motorbikes, shouting and other noise
2. Harassment / Intimidation	Verbal abuse, written abuse, nuisance phone calls and menacing gestures
3. Hate related incidents and crime	Racial, sexual, gender, religious, disability and age-related intimidation and community tension
4. Criminal Damage	Vandalism, graffiti, damage to property, damage to shelters, street furniture and damage to plants/hedges
5. Animal Nuisance	Disturbance caused by animal noise, breeding, dangerous dogs, condition/smell, animal fouling, dogs in flats and general animal nuisance
6. Vehicle Nuisance	Motorbikes, abandoned vehicles, un-roadworthy vehicles, joy riding, vehicle repairs, shared drive dispute and parking issues
7. Drugs	Drug dealing, paraphernalia, frequent visitors, and presence of dealers/users
8. Alcohol Related	Street drinking and drunken behaviour
9. Domestic Abuse	Domestic abuse
10. Physical Violence	Serious acts of violence, physical intimidation, assault and fighting
11. Litter/Rubbish	Fly tipping, garden rubbish, general litter/rubbish, and fly posting

12. Garden Nuisance	Overgrown gardens, rubbish in gardens and bonfires
13. Communal/Public Area Misuse	Condition of communal area, misuse of area, youth nuisance, begging, nuisance children, ball games, inconsiderate parking, smoking, using a gas pipe as a washing line and urinating
14. Sexual Acts	Sex acts in public, kerb crawlers, prostitution, and paedophile activity
15. Other Criminal Activities	Theft/robbery, damage to vehicles, handling/storing stolen goods, illegal weapons, and firearms
16. Tenancy Breaches	Minor neighbour disputes, boundary disputes, laminate flooring, unauthorised alterations, land issues, illegal occupation, non-occupation, overcrowding, no access, running a business, condition of property, illegal structures, garage sites, no hard standing/dropped kerb, caravan/trailer in garden, storing dangerous/flammable materials and abandoned properties

4.1.2 Situations where we will not act

Lambeth Council is committed to preventing and tackling ASB, to ensure that residents can live a life free from crime, nuisance and harassment that cause many people to feel distressed. However, individuals also 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. This message is even more pertinent in circumstances when individuals will spend more time at home, which may have an impact on neighbouring households.

The Council has discretion to refuse to deal with certain complaints. We reserve the right to not intervene with complaints that fall under the following categories:

- The complaint raises an issue that is judged to fall outside of the scope of the definition of ASB;
- A persistent number of repeat complaints. The investigation and the community trigger procedures have been properly followed to investigate the case and the evidence is not sufficient to require an additional investigation. A complaint that is made by a different reporting person but is in relation to the same case that has already been properly investigated will constitute a persistent repeat complaint. The Tenancy Enforcement Team will always check the history of the case on Northgate before opening a new case, to help determine whether it is a repeat complaint.

Complaints falling outside the scope of the definition of ASB

Examples of behaviors that do not constitute ASB include, but are not limited to, the following:

- Day-to-day living noise, which is not excessive, nor unreasonable;

- Babies crying;
- Cooking odours;
- One off parties/BBQ where there's no evidence further problems will occur, nor is it detrimental to the quality of life of those in the locality, nor unreasonable;
- Normal behavior occurring at unusual times, for example, due to different working patterns and providing the resident is being considerate;
- Low-level disputes between neighbours;
- Children's play;
- Noise transference due to poor sound insulation;
- Toilets flushing.

When we receive an ASB complaint that relates to one of the above, the action that we take will be proportionate.

ASB complaints and general complaints

If we receive a complaint that is outside the scope of the definition of ASB, because it is a general complaint, the reporting person will be signposted to the Council's formal complaints procedure.

- Complaints about the service provided by the council in respect of implementing the investigative and/ or community trigger procedures;
- Complaints about the council's housing management functions;
- Dissatisfaction with the outcome of the ASB investigative procedure and/or the community trigger procedures.

The Community Trigger

The Anti-social Behaviour, 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. The Social Housing White Paper introduced a commitment to clarify the arrangements for applying for the Community Trigger.

The threshold for using the community trigger is a minimum of three qualifying complaints made by the same individual and received by any of the relevant bodies (council / other social landlord / police / health service) in the six months prior to the application being made.

If the threshold is not met but the case shows on-going victimisation over a period of time; that there is a risk of further harm; that there has been an inadequate response; or that a hate crime has been committed a full case review can be held on the same basis as the trigger.

The procedure will detail the council's community trigger process.

4.2 Our key principles for delivering an effective and fair ASB Service

The council has a zero-tolerance approach to ASB. We will take every ASB complaint seriously and will consistently apply the policy and procedure set out within this document. Our key principles for delivering an effective and fair ASB Service is aligned to the expectations within the Neighbourhood and Community Standards for ASB and the Housing Ombudsman Guidance within the regulatory framework.

4.2.1 General approach for tackling ASB

Partnership working

The Social Housing White Paper introduced a commitment to ensure that local authorities and housing associations working together to share their knowledge of vulnerable tenants to monitor and support those tenants who may be at risk. This includes preventing exploitation of vulnerable tenants.

The council has a statutory duty under the Crime and Disorder Act (1998) to maintain a community safety partnership to reduce crime and disorder locally. In Lambeth, this is delivered through the Lambeth Made Safer Partnership/ Strategy, which aims to make Lambeth a safer borough in which to live, work and socialise. We are committed to effective partnership working with residents and partners to jointly prevent and tackle ASB by providing the best resolution and the most appropriate help and support. We will support the work of other council departments, external agencies, and the relevant boards to ensure that actions are delivered and that we have a multi-agency approach for responding to ASB. This will include sharing information, where we have a duty, to identify and deliver the best intervention.

Lambeth Made Safer Strategy (LMSS)

The LMSS is a co-ordinated whole system, multi-agency approach to preventing serious youth violence. Through the LMSS commitments (intervene early and prevent, disrupt, and deter, educate, and train, respond and support, engage and involve, safe spaces) our partners will be working to ensure ASB is prevented, limits its impact when it does happen, and supports young people through diversionary activity to move away from situations that can escalate.

Clearly defined roles and responsibilities

The Social Housing White Paper introduced a commitment to clarify the roles of agencies involved in tackling ASB and signpost tenants to those agencies who can give them the most appropriate support and assistance when faced with ASB.

We have an array of agencies in Lambeth that have a unique role to play in tackling ASB. We are committed to ensuring that the varying roles and responsibilities of agencies for responding to ASB are clearly defined. To alleviate any concerns that any individuals may have about the procedure, we will also clarify who to turn to when cases of ASB occur and who can provide the most appropriate support. Through effective partnership working with other local agencies, we will ensure that a shared understanding of the roles and responsibilities in preventing and tackling ASB locally is maintained. The procedure will identify the various council teams and external agencies involved in supporting the delivery of the council's ASB function and will clarify their various roles and responsibilities.

Prevention

The Social Housing White Paper introduced a commitment to provide the right support and interventions for perpetrators to prevent further ASB.

We will have a strong focus on preventing ASB before it occurs because we recognise that prevention can substantially improve the life chances of individuals, and particularly young people. This will include proactively taking action to deter incidents of ASB and creating an environment where ASB is less likely. We will tailor our approach to meet the needs of individuals and families by ensuring that the relevant support and assistance is accessible to divert individuals and young people away from a life of ASB. The procedure will include the detail on the measures which are available to the council for the purpose of prevention.

Early intervention

We recognise that early intervention is critical, not only to prevent ASB before it escalates, but to improve the lives of individuals and support households to sustain their tenancy by reducing the risk of possession. We will ensure that we use the most appropriate intervention in a timely fashion to effectively resolve complaints at the earliest opportunity. The procedure will include the detail on the measures which are available to the council for the purpose of early intervention.

Full use of range of powers

To support the council in intervening early and tackling ASB, we will have regard to the full range of civil and criminal powers that are at our disposal within the legal framework. We have the discretion to decide on which legal powers we utilise, and we will make a conscious decision about which powers we choose, and do not choose to utilise, with a focus on resolving ASB. Where appropriate, we will not hesitate to use enforcement action. We will assess which powers will be the most effective, fair, proportionate, and reasonable to deal with cases of ASB. The procedure will include the detail on the legal powers which are available to the council for the purpose of enforcement.

Leadership commitment and accountability

The council will commit to providing strong leadership for responding to ASB by working in partnership with the relevant partners across the local system to tackle ASB promptly and decisively. We recognise the importance of being accountable and transparent to both the reporting person and the community, as well the Regulator of Social Housing (RSH) and the Housing Ombudsman. We will ensure that we are compliant with accountability standards within the legal and regulatory framework. We will continue to create circumstances where we are more likely to be accountable to the community. This will include making tenants and leaseholders aware of their right to request a case review and measuring satisfaction and the relevant performance measures.

Victim-focussed

We recognise that ASB can often be the source of distress, anxiety, and misery for the victim of ASB and the wider community. Our approach has a victim focused approach in terms of protecting the victim from experiencing further ASB by utilising the most appropriate measure. Also, we will continuously risk assess to understand the impact of ASB on the victim and signpost the victim to the relevant support provision. We will ensure that when we risk assess we will take full account of the impact of ASB on the victim and the wider community. We will ensure that the reporting person is kept informed about the progress of the case and has a point of contact to raise any queries or concerns. In some cases, the respondent may in reality be the victim and may be denied their right to live a peaceful life and to enjoy their home within the parameters of the ASB Policy. The procedure will detail the mechanisms in place to provide the appropriate support to the victim and the counter-allegations process to support respondents that are actually the victim.

4.2.2 Tenant and leaseholder rights and responsibilities

Just like the Council, tenants and leaseholders have rights and responsibilities in respect of ASB.

Rights

- To live a life free from ASB;
- Respect for your private life, your family life, your home, and your correspondence (HRA);

- To be treated fairly and equally in respect of the application of the ASB Policy and Procedure (Equality Act);
- To have your data used only in accordance with the Data Protection Act (2018);
- To have your ASB complaint taken seriously. To have your ASB complaint investigated thoroughly and in line with this policy and procedure;
- To be consulted on housing management matters and make your views known within a reasonable timeframe.

Responsibilities

- Not to cause ASB. The tenancy agreement sets out the acceptable (and non-acceptable) standards of behaviour. The lease conditions sets out the obligations of leaseholders;
- To report cases of ASB that you witness, even if you are not the victim;
- To be respectful towards council staff. To not harass, abuse, be aggressive or physically violent towards council staff dealing with your ASB complaint;
- To cooperate with council staff that are dealing with your ASB complaint. To support the investigation and resolution process, and general application of this policy and procedure;
- To be mindful of the impact that your complaint will have on the time of staff, and therefore, to consider whether your complaint falls outside the definition of ASB or would be classed as a persistent repeat complaint.

4.2.3 Equality and diversity including vulnerable perpetrators

This policy is committed to embedding an anti-racist approach and building equity across all communities. Lambeth will work against cycles of disproportionality and systemic racism. We want residents to feel safe in their neighbourhood and be able to live their life free from harassment, hate crime and to not be discriminated against on the basis of the following characteristics – race, age, religion or belief, sexual orientation, disability, gender reassignment, pregnancy, sex and marriage and civil partnership. To achieve this, we will consider the lived experiences of Lambeth’s diverse communities and ensure that we are flexible and able to adapt to the needs of our communities to resolve ASB and avoid escalation where appropriate. We recognise that this approach is critical to ensure that we give our residents, particularly young people, the best opportunity to thrive and succeed in life.

This document will support the delivery of the Public Sector Equality Duty (Section 149 Equality Act) to eliminate discrimination, harassment and victimisation and advancing equality of opportunity and fostering good relations between persons who share a protected characteristic and persons who do not. We will ensure that this document is aligned to policy surrounding equality and diversity and that this document is applied equally and fairly to all individuals. This includes consideration of the vulnerability of the perpetrator and assessing the potential impact of the various legal measures before we identify the preferred measure. We will ensure that whatever measure we invoke will be proportionate and reasonable for tackling ASB and will never be in consequence to a protected characteristic. Lambeth Council values diversity and we will ensure that reporting of ASB and support provision are accessible to residents by providing multiple entry points to the procedure and providing ongoing risk assessments. Where appropriate, we will consider reasonable adjustments.

4.2.4 The right to respect for your private life, your family life, your home and your correspondence (Human Rights Act 1998 - Article 8)

We recognise the right to respect for the home and that individuals have the right not to be discriminated against. As a social landlord, we want to sustain the tenancies of households within our stock. We will, therefore, only opt for possession as a last resort, after escalating our response incrementally by using early intervention measures and low-level legal powers. We will ensure that whatever measure we invoke will be proportionate and reasonable for tackling ASB. The only instance in which we will consider infringing this right is when the council judge's possession to be proportionate and will reasonably prevent further ASB.

4.2.5 Information sharing including data protection and confidentiality

In applying this policy and procedure we will act in accordance with the Data Protection Act (2018). This will include the collection, storage, access to, provision and disclosure of data. Equally, please note that there is a requirement to share information with a third party under the Crime and Disorder Act (1998). In applying the ASB procedure we will invariably collect personal and sensitive information, which equally, may already be on file within the council. We will not share this with any other party without the consent of the person in question. While there may be instances where, due to the need to retain confidentiality, information shared with the reporting person and the respondent may be limited, this will not detract from the principle of maintaining regular communication with both parties.

4.2.6 Choosing the most appropriate intervention and legal remedy

It is important that the council chooses the correct measure for tackling ASB. This is because if we choose the wrong measure, we risk seeing ASB reoccur and having a negative impact on communities, and, we risk treating the perpetrator unfairly and not in line with equalities and human rights legislation. We will consider the optimum measure for preventing further ASB from occurring. Specifically, we will consider the following when deciding on which early intervention or legal power to utilise:

- 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 (proportionality will be our threshold for escalating our response to ASB).
- While we will generally only use possession action where all other measures have failed to change the behaviour of the perpetrator, there will be instances where we will need to pursue possession action at an early stage, and we won't hesitate to do this if it is assessed to be proportionate and reasonable.
- We will always have regard to the Anti-social Behaviour, Crime and Policing Act: Statutory Guidance for Front Line Professionals (2021) when deciding on the most appropriate measure.

4.2.7 Staff training and support

The Social Housing White Paper introduced a commitment to ensure that housing staff have access to the relevant professional development and training to increase their awareness and understanding of mental health issues.

Staff will have expertise of the ASB Policy and the legal and regulatory framework for ASB and will ensure that the policy is applied consistently and in line with the framework.

We are committed to delivering high-quality services for Lambeth residents. We also recognise that ASB is a complex subject area, and the legal and regulatory framework is liable to change. We will review opportunities for professional development on an ongoing basis, to ensure that our staff who deal with ASB receive up to date training to be even more effective at delivering our ASB Policy, with stakeholders. This will also include relevant training surrounding health and wellbeing to ensure that staff can identify the support requirements of the individual and can signpost the individual to the relevant provision. We understand that this is important because in some cases, the perpetrator will suffer from mental health problems and/ or have issues surrounding alcohol and drug use. Equally, the victim may be adversely affected by ASB. We will also ensure that staff can access up to date training surrounding equalities and human rights legislation.

Exposure to abuse and/or violence is not an acceptable part of the working day for any member of staff within the council's workforce. We will take action to prevent and reduce the risk of exposure of these incidents occurring, including using powers under the Anti-social Behaviour, Crime and Policing Act (2014), where appropriate. Support will be provided to any member of staff who is threatened, verbally abused, and physically assaulted in the course of their duties.

4.2.8 Hate crime

Lambeth Council takes a strong stance against hate crime and hate related incidents and is committed taking prompt and decisive action when these incidents occur. It is for the individual to decide whether they are subject to a hate incident and not the 'offender' concerned. The definitions of hate crime and hate related incidents, as per the National Police Chiefs' Council (NPCC), are as follows:

- Hate incident: any incident which may or may not constitute a criminal offence that is perceived by the victim, or any other person, as being motivated by prejudice or hate.
- Hate crime: Any incident which constitutes a criminal offence that is perceived by the victim, or any other person, as being motivated by prejudice or hate.

For the purposes of this policy, both hate incidents and hate crime constitute ASB and fall within the scope of the definition of ASB.

Hate crimes often have a disproportionate impact on the victim because they are being targeted for a personal characteristic. We recognise that hate crime not only impacts the individual victim but also the wider community. Hate incidents as one-offs or a related series of events can send reverberations through communities, just as they can reinforce established patterns of prejudice and discrimination. Therefore, it is so important for hate crime to be tackled effectively and all incidences are treated urgently.

4.2.9 Criminal activities

Criminal activities can constitute ASB and when criminal behaviour occurs within our housing stock, we take this very seriously. Tenants are responsible for themselves, the wider household and any visitors to the property that engage in criminal activity at the property. There are cases of ASB that need to be referred to the police for investigation and require the police to be first on the scene. As an example, matters of a criminal nature, such as cuckooing. In circumstances where the council receive complaints of ASB, but the police have not yet been contacted, we will contact the police to inform them of the complaint. We will work with the police and provide the necessary support to retain a multi-agency response to tackling ASB. Support will include providing evidence to support police investigations and prosecutions and working with the police to apply for legal powers to deal with the perpetrator.

4.2.10 Keeping pets and dogs

Animal nuisance constitutes ASB, and we will take the appropriate action if this does occur.

The 2012 Tenancy Agreement requires tenants to obtain our written permission to keep domestic pets. We will not unreasonably turn down permission to keep a domestic pet so long as the pet(s) does not cause nuisance to other residents.

While we may grant permission to keep a pet, the responsibility for the animal remains solely with the owner and Lambeth accepts no liability for any pet(s) kept in its properties. Except in exceptional cases, permission will not be granted to have more than 2 cats **or** 2 dogs **or** 1 cat and 1 dog. The Council will not give permission if the property is unsuitable for a pet or if it is believed that the pet is likely to cause nuisance or pose a danger to any other person. The council will not grant permission for any dog banned under the Dangerous Dogs Act 1991.

Before permission is granted the tenant will also be asked to sign an agreement confirming that:

- They will keep the microchip information up to date
- the dog has a name tag and contact details when in public places
- the dog does not cause nuisance
- the dog does not foul on, or damage, communal areas and
- the dog is not used for breeding purposes
- they have suitable insurance to cover any damages caused by, or resulting from, keeping/owning a pet.

5.0 Regulatory and Legal Framework

5.1 Regulator of Social Housing

5.2 Housing Ombudsman Guidance

5.3 Housing Act (1985)

5.4 Housing Act (1988)

5.5 Housing Act (1996)

5.6 Noise Act (1996)

5.7 Protection from Harassment Act (1997)

5.8 Crime and Disorder Act (1998)

5.9 Anti-social Behaviour Act (2003)

5.10 Housing Act (2004)

5.11 Housing and Regeneration Act (2008)

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

5.13 Equality Act (2010)

5.14 Human Rights Act (1998)

5.15 Data Protection Act (2018)

5.16 Care Act (2014)

5.17 Children Act (1989)

6.0 Other Links

[Lambeth Made Safer Strategy 2020-2030](#)

[Social Housing White Paper 2020](#)

[Lambeth Borough Plan 2016-2021](#)

[Anti-social Behaviour Crime and Policing Act Guidance 2014](#)

[Housing Ombudsman Guidance for Anti-social Behaviour Policy](#)

[Neighbourhood and Community Standard: Anti-social Behaviour](#)