



Community Safety Policy & Procedure – Summary

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.

WestKent

Places to live. Space to grow.



General Statement of Policy and Procedure on Community Safety

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

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.



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.

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 argument and
- minor disputes between neighbours or personal differences, this includes the use of private CCTV or trespassing.

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.



Making a report of ASB or Community Safety matters

- 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 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).

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.

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.

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.

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.



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.
- Use our "ASB APP" to help collate evidence of ASB
- 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.

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.

Intervention

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:

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.



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 there may be times in which we need to take enforcement action, such actions may include:

- 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

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
- Closure Order
- Criminal Behaviour Order

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.

