

ANTI-SOCIAL
BEHAVIOUR
POLICY

ANTI-SOCIAL BEHAVIOUR POLICY

Introduction

The Anti-Social Behaviour Act 2003 requires us to publish a statement of our policies and procedures with regard to anti-social behaviour.

The full document is available for inspection at any South Lakes Housing (SLH) offices, and a copy will be supplied free of charge on request.

Context

Our statement of policies and procedures is compatible with statutory legal requirements including :-

Housing Act 1985 (as amended by Housing Act 1996)

Crime and Disorder Act 1998

Police Reform Act 2002

Homelessness Act 2002

Children Act 1989

Disability Discrimination Act 1995

Race Relations Act 1976 and the Race Relations (Amendment) Act 2000

Human Rights Act 1998

The Anti-Social Behaviour Act 2003

Our key objectives in relation to anti-social behaviour are :-

- To ensure that every tenant enjoys their right to security in their own home
- To ensure that every tenant enjoys their right to live peacefully and without disturbance from their neighbours
- To investigate every report of anti-social behaviour and give advice or take action where necessary to remedy the problem
- To stress a conciliatory rather than confrontational approach but to take action quickly in cases of serious harassment or victimisation

- To ensure that every victim of nuisance behaviour receives swift and effective support which leads to a resolution of the problem.

Definition

Anti-Social Behaviour is defined in the Housing Act 1996 as conduct which:-

- Is capable of causing nuisance or annoyance to any person AND
- Directly or indirectly affects the housing management functions of a relevant landlord OR
- Consists of using, or threatening to use, housing accommodation owned or managed by a relevant landlord, for an unlawful purpose

Our Approach to Anti-Social Behaviour

Take firm action to eliminate anti-social behaviour

Deal firmly but fairly with anti-social behaviour, to deter such behaviour and to encourage others to come forward as witnesses

Ensure that troublesome families or individuals receive support as appropriate to assist them in modifying their behaviour

Work closely with the Police and other agencies in order to deal with serious cases of anti-social behaviour and determine what action will be taken.

Aim to prevent and reduce anti-social behaviour by such measures as:

- Lighting improvements
- Designing out and removing hiding places
- Swift removal of abandoned vehicles, fly tipping and graffiti
- Improving leisure facilities and access to them, particularly for young people

Tenants' Obligations

Our housing tenancies are subject to a Tenancy Agreement. The major conditions relating to anti-social behaviour are as follows :-

- Not keep any animal on the Property other than one domestic pet
- Keep any communal access ways or staircases in a clean and tidy condition
- Act in a reasonable manner and avoid, in particular, conduct which causes a nuisance to others
- Not use the dwelling for illegal or immoral purposes
- Park vehicles only in authorised places and not obstruct other road-users or paths

Support for Complainants

We will support complainants by :-

- Dealing with complaint promptly
- Keeping them informed of any developments
- Referring them to Victim Support or other support services where appropriate
- Providing interpreters on request

Racial Harassment

We will not tolerate racial harassment by or against our tenants and use existing legal remedies against anybody found to be racially harassing others.

If the victim of harassment considers it to be racially motivated, it will be investigated as such.

Domestic Violence

We will be sensitive to the needs of those affected by relationship breakdown and any related problems of domestic violence.

We will adopt interview, investigative and documenting procedures which afford privacy and confidentiality and a victim-orientated approach to those in need.

We will work with the Police and other agencies to use existing legal remedies against any tenant using domestic violence.

Protection of Staff

We will not tolerate threats or violence by our tenants against members of South Lakes Housing staff or our contractors.

We will work with the Police and other agencies to use existing legal remedies against any tenant using or threatening violence.

Preventing Anti-Social Behaviour

We aim to prevent anti-social behaviour. To achieve this we :-

- Operate a system of introductory tenancies for new tenants
- Contribute to a Mediation Service as a first intervention to avoid escalation of neighbour disputes
- Participate in and contribute to the Crime and Disorder Reduction Partnership
- Work closely with the Police and other agencies
- Carry out improvements to our estates to help prevent anti-social behaviour and criminal activity
- Provide support to vulnerable tenants
- Take prompt action to deal with abandoned vehicles, fly tipping and graffiti

Rehabilitation of Offenders

We aim to prevent anti-social behaviour from reoccurring. In many cases, there may be an underlying cause, for example:-

- Family or relationship breakdown
- Mental illness
- Learning difficulty
- Drug or alcohol dependency
- Exclusion from school
- Longstanding or recent dispute between families
- Clash of lifestyles

We will work with the tenant or family causing the nuisance to ensure they receive advice or support that they need to deal with their difficulties. Where unsuccessful, further action will be taken as appropriate.

Support for Witnesses

We are aware of the importance of providing support for witnesses. Support and protection measures available include :-

- Re-housing (in extreme cases)
- Emergency legal action
- Extra security measures
- Working closely with the Police and other agencies as necessary to ensure witnesses are protected from intimidation
- Keeping witnesses informed of action to be taken and ensuring that agreed timescales are kept to
- Giving assistance in collating evidence or making witness statements

- Advice on appearing in Court
- Assistance with transport to and from Court
- Support in Court from officers
- Referral to Victim Support
- Making witnesses aware of the outcome of cases

Data Protection and Confidentiality

Any information given to us will be treated in confidence.

Personal data or information may be disclosed to the police, probation service or health authority both in order to reduce Crime and Disorder generally and more specifically where it is 'necessary or expedient for the purposes of obtaining an Anti-Social Behaviour Order'.

Multi-Agency Partnerships

Officers of South Lakes Housing attend a variety of multi-agency meetings that deal with anti-social behaviour issues. These include:-

- South Lakeland Crime and Disorder Reduction Partnership
- Liaison Meetings
- Hallgarth Young Peoples Organisation
- Vulnerable Adult Protection meetings
- Child Protection meetings

Staff Training

We are committed to training our staff and will ensure that all staff dealing with anti-social behaviour are fully aware of this policy and our procedures. Refresher training, mediation and appropriate referral training, and further training where legislation changes or in pursuit of best practice will also be provided.

Key Targets and Performance Indicators

South Lakes Housing uses the following key performance indicators :-

- % of anti-social behaviour cases investigated within designated response times
- number of anti-social behaviour cases investigated
- tenant satisfaction

We will also ensure compliance with the Commission for Racial Equality's Code of Practice in Rented Housing.

Monitoring, Review and Consultation

Regular reports will be made to the South Lakes Housing Board, South Lakeland District Council and Tenants` Committee.

A Senior Housing Officer will visit each complainant at the end of each case.

ANTI-SOCIAL BEHAVIOUR PROCEDURE

Objectives

- To investigate every report of anti-social behaviour and give advice or take action where necessary to remedy the problem
- To adopt a conciliatory rather than confrontational approach
- To take swift action in cases of serious harassment and victimisation

Processing A Complaint of Anti-Social Behaviour

STAGE 1

Any complaint of anti-social behaviour will be logged as either 'Serious', 'Serious – Race Related' or 'Routine'. Serious cases are those involving violence, threats, harassment or criminal activity affecting a locality - a routine case such as noise nuisance may become a serious case if it is persistent.

If 'serious' or 'serious – race related', we will make personal contact immediately if possible or in any event within one working day

In routine cases, personal contact will be made within 10 working days.

STAGE 2

Following the initial contact, a Senior Housing Officer will :-

- Decide that no further action is required or
- Write to the perpetrator requesting co-operation to end nuisance or
- Decide that it is necessary to proceed to Stage 3

STAGE 3

Further action will be taken as appropriate :-

- Carry out further enquiries/visits as necessary
- Visit the alleged perpetrator of nuisance

- Suggest mediation as an option
- Notify the complainant verbally of action taken
- Issue diary sheets
- Agree an action plan

STAGE 4

If the nuisance persists, a Senior Housing Officer will decide on what action to take next taking into account:-

- The nature and severity of the behaviour
- The frequency of the incidents
- The impact of the behaviour on the complainant
- The intentions of the perpetrator
- The circumstances of the perpetrator
- Other contributory factors
- Any counter allegations

Where the tenant or perpetrator of anti-social behaviour may suffer from a disability, an evaluation will be undertaken to consider :-

- Whether the perpetrator suffers from a disability
- Whether the disability (if any) causes the behaviour
- Whether proceedings can be justified

If appropriate, the complainant will be advised of any other people or agencies who may be able to assist. This could include :-

- Police
- Solicitor or Citizens' Advice Bureau (CAB)

- Resolve Mediation Service
- Voluntary agencies

STAGE 5

Further action taken will depend on the assessment that has been made in Stage 4 in regard to the seriousness and nature of the anti-social behaviour. It will normally involve one or more of the following :-

Mediation - a way of dealing with disputes that aims to enable the people involved to reach an agreement that satisfies everyone. Disputes can be sorted out quickly and confidentially. We have a partnership arrangement with Resolve Mediation Service (an independent organisation) to provide this service for our tenants free of charge.

Acceptable Behaviour Contracts - these will normally be drawn up by our officers and the Police together with the perpetrator. The idea is that a range of limits on behaviour will be agreed with the perpetrator and drawn up in a signed agreement. Contracts might cover such items as :-

- Times when the person is required to be at home
- Limits to volume or timing of music being played
- Curbing offensive or threatening language or behaviour
- Keeping away from certain people or places

Anti-Social Behaviour Orders (ASBO's) - these may be used instead of an Acceptable Behaviour Contract or if that contract does not work. These orders normally seek to place limits on a person's behaviour such as :-

- Using or threatening violence
- Getting somebody else to use or threaten violence on their behalf
- Behaviour in the home or local area
- Bans on drinking or other behaviour in public places
- Exclusion from a particular area, district, or county

Injunctions - an injunction can be obtained through the County Court and is normally used to prevent somebody doing a particular thing. The Court may add a power of arrest to an injunction, and if an injunction is broken then the guilty person may be fined or even imprisoned.

Introductory and Demoted Tenancies - new tenants of South Lakes Housing are given an introductory tenancy for a trial period of 12 months. If there are no problems during the trial period, then the tenancy automatically becomes a secure tenancy on the anniversary of the date the tenancy started. The use of introductory tenancies simplifies the process for South Lakes Housing to evict new tenants who cause a nuisance or break their Tenancy Agreement in some other way.

If a secure tenant or a member of their family is carrying out anti-social behaviour, South Lakes Housing can apply to the County Court for a Demotion Order. A Demotion Order has the effect of demoting a secure tenancy to a level similar to an introductory tenancy.

Possession Proceedings and Eviction - South Lakes Housing can apply to the County Court for a Possession Order. An order may be 'outright' or 'suspended' and the Court's decision will be based on the evidence given by housing officers and any other witnesses.

A suspended order means that the tenant cannot be evicted unless they break the terms of the order and so the tenant will remain if the anti-social behaviour stops.

In the event of an outright order being granted or further anti-social behaviour following a suspended possession order being obtained, South Lakes Housing will apply to the Courts for a warrant of execution to evict the tenant.

STAGE 6

At the conclusion of each case of anti-social behaviour, a Senior Housing Officer will visit each complainant in order to make sure that he or she agrees that the case is at an end and to find out his or her views on how the case was handled. A Neighbour Nuisance Survey form and a stamped addressed envelope will be left with the complainant for completion and return.

Supporting Complainants

In the most serious cases, we may consider moving complainants and witnesses to another area within or even outside South Lakes.

Where appropriate, we will encourage the County Court to offer witness support to minimise the amount of time witnesses have to spend face-to-face with the perpetrator of any nuisance. In some cases our officers may be able to give statements to the Court on behalf of witnesses in the form of hearsay evidence without revealing details of witness names and addresses. Where our officers have witnessed anti-social behaviour themselves, they can give personal evidence to the Court.

We will also consider options such as :-

- Additional security (eg locks, lighting, alarms)
- Provision of a dispersed alarm
- Access to counselling or referral to Victim Support
- Request for increased police presence or security patrols in the area

Monitoring Anti-Social Behaviour and the Service

The number of complaints received from and about SLH tenants and those investigated within target times are monitored monthly. The results from completed Neighbour Nuisance Survey forms are also monitored.

In addition, we monitor the number of :-

- Cases referred to and taking up mediation
- Acceptable Behaviour Contracts
- Anti-Social Behaviour Orders
- Injunctions obtained
- Demotion Orders obtained
- Possession Orders obtained on grounds of anti-social behaviour

- Evictions carried out on grounds of anti-social behaviour

We will publish these figures annually on our website and in our tenants' newsletter.

This booklet can be made available in large print, braille and audiotape. Please ask at any of our offices or telephone 01539 717717. You can also look at our website on www.southlakeshousing.co.uk

If you require further information please contact any member of South Lakes Housing staff at one of the following offices:-

Little Aynam House
Little Aynam
Kendal
LA9 7AH
Tel: 01539 717717

The Town Hall
Queen Street
Ulverston
LA12 7AR

Tel: 01229 584424

The Old Courthouse
Church Street
Ambleside
LA22 0BT
Tel: 015394 33631