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## ANTI-SOCIAL BEHAVIOUR POLICY

### 1.0 Introduction

The Anti-Social Behaviour Act 2003, amending the Housing Act 1996, requires us to publish a statement of our policies and procedures with regard to anti-social behaviour. This document fulfils the legal requirement, and is designed to give a clear statement of our approach to anti-social behaviour and the way that we intend to work, together with local residents and other organisations, in order to deal with it.

This document is available for inspection at any South Lakes Housing (SLH) offices, and a copy will be supplied free of charge on request. A summary of this document is also available free of charge.

**This document can be made available in large print, Braille, or other languages on request.**

Enquiries regarding any aspect of this policy or procedure can be made at any area housing office.

### 2.0 Strategic Links and Context

#### South Lakeland District Council Housing Strategy 2002 - 2006

- To work in partnership with stakeholders (all interested parties) to plan and deliver housing services which meet local needs, and on wider initiatives to improve the quality of life of residents of the District in a sustainable way.

#### South Lakeland Crime and Disorder Reduction Strategy 2002 –2005

- To reduce the incidence of Anti-Social Behaviour where identified hot spots of activity occur and address the causes and symptoms through a multi-agency approach.

South Lakes Housing is committed to delivering the aims of South Lakeland District Council as set out in its Strategic Plan 2003-06. In particular, South Lakes Housing must deliver in relation to four of the Council's six priorities:-

- ① Affordable Housing;
- ② Delivering Excellent Services;
- ③ A Quality Environment;
- ④ Health and Well-being.

The scope of this policy covers anti-social behaviour including harassment and nuisance. It also covers domestic violence and the issues arising thereupon. Reference should also be made to South Lakes Housing's Equal Opportunities (Service) Policy Statement.

Harassment in employment is dealt with within South Lakes Housing's Equal Opportunities (Employment) Policy Statement.

South Lakes Housing has a range of other policies developed in partnership with tenants including an 'Equality and Diversity' policy and a 'Confidentiality and Data Protection' policy.

This statement of policies and procedures is compatible with these documents and refers to them where necessary. It is also compatible with statutory legal requirements including:-

### **Housing Act 1985 (as amended by Housing Act 1996)**

The Housing Act 1985 introduced statutory grounds for possession:-

- For breach of an express clause of the tenancy agreement
- Relating to nuisance or conviction for use of the premise for illegal or immoral purposes by the tenant or anyone else living at or visiting the premises. This covers:-
  - behaviour which causes annoyance to neighbours or anyone else in the locality;
  - behaviour which is LIKELY to cause a nuisance to neighbours or others (i.e. where evidence from someone other than the victim is available);
  - conviction for an arrestable offence in the locality of the property
- Covering acts of waste (i.e. where condition of dwelling has deteriorated due to acts of waste, neglect or default by the tenant or anyone else living at or visiting the premises)

The 1996 Act brought in Introductory Tenancies and Local Authority injunctions (now amended by the Anti-Social Behaviour Act 2003)

### **The Crime and Disorder Act 1998**

This Act introduced Anti-Social Behaviour Orders (ASBOs). The Police or a local authority can seek an ASBO against anyone over age 10 who has acted in an anti-social manner and where people need to be protected from further anti-social acts.

The Act also required local authorities to form Crime Reduction Partnerships with the Police and other agencies and to produce a Crime Reduction Strategy.

The **Police Reform Act 2002** introduced further powers relating to ASBOs. These included:

- Allowing Housing Associations to apply for ASBOs
- Interim ASBOs that can be applied for at the time of other court proceedings

### **Local Government Act 2000**

This puts a duty on Local Authorities to promote economic, social and environmental well being in its area

### **Homelessness Act 2002**

This imposed a duty on the Council to assist people at risk of violence.

In addition it states that the Council does not have to give preference for housing to people guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant (unacceptable behaviour is behaviour that would have entitled the Council to a possession order had the person been a tenant of the Council).

### **Children Act 1989**

This Act places a duty on authorities to co-operate with each other in the protection of children. In particular information on one authority's actions must be shared with others if it would help them carry out their functions.

## **Disability Discrimination Act 1995**

This Act made it unlawful for a local authority to discriminate against a disabled person by evicting them. The Council has to ensure that a person's anti-social behaviour is not a direct consequence of their disability.

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

This places a statutory duty on public authorities to eliminate unlawful discrimination; promote equality of opportunity; and promote good race relations. Race equality issues must be considered in all of its policies.

## **Commission for Racial Equality Code of Practice on Rented Housing 1991**

This code does not impose any legal obligations but can be used in court as evidence. Compliance with the code is a Best Value Performance Indicator.

Summary of Recommendations:

- An effective support mechanism should be in place for victims
- Alternative accommodation should be offered to victims if needed
- Racial harassment clauses should be included in tenancy agreements
- Legal action against perpetrators should be considered where appropriate
- Staff, tenants and prospective tenants should be aware of the policy and there should be training for staff
- Landlords should discuss policies with tenants and their representatives
- Consideration should be given to improving security on estates
- There should be clear guidelines for staff with a reporting system for incidents in place

## **Human Rights Act 1998**

The Act gives statutory effect to the European Convention on Human Rights. Key Rights include:

- Freedom of expression
- Right to life
- Prohibition of torture
- Prohibition of discrimination
- Right to freedom of thought and religion
- Right to respect for private and family life

The Council has to ensure it is doing all in its powers to enable quiet enjoyment by people of their homes and to ensure that it is not breaching the human rights of anyone it may take action against for anti-social behaviour

## **The Anti-Social Behaviour Act 2003**

The Act brought in a number of new duties and powers for local authorities in their landlord capacity. These are:

- Duty to publish and keep under review their policies and procedures for dealing with Anti-Social Behaviour
- Amendments to Section 152 and 153 of the 1996 Housing Act relating to injunctions. Injunctions can now be obtained under the amended S153A, S153B and S153D of the 1996 Act to prohibit behaviour capable of causing nuisance and annoyance which directly or indirectly affects their housing management functions. This includes improper use of the premises and breaches of tenancy agreements. It widens the scope of injunctions so that they can be used to protect wider categories of people and can be used where the behaviour occurs at housing

offices. The power of arrest can also be attached where there is actual or threatened violence.

- Demotion Orders were introduced. This enables the landlord to apply to Court for an order demoting a tenant from a secure tenancy to a less secure one for a year. This should make it easier for the landlord to obtain possession should the tenant continue to act anti-socially.
- The Courts must give particular consideration to the impact on victims, witnesses and the wider community in all nuisance related possession cases.
- A Council is able to ask the Court to consider granting an ASBO on other parties involved with a tenant against whom the Council is taking possession proceedings for nuisance.

Specific Objectives of South Lakes Housing include:-

- Deliver good quality, safe, secure, affordable homes to all tenants.
- Contribute to environmental improvements and the reduction of anti-social behaviour in order to create safe, attractive places to live in.
- Work in partnership with the Council, tenants and leaseholders and other organisations to deliver good quality, cost-effective services to tenants and leaseholders.
- Contribute to the social, environmental and economic regeneration of the District.

A key priority is to implement the action framework to tackle anti-social behaviour in partnership with other agencies and our key objectives here are:-

- To ensure that every tenant (regardless of race, creed, gender, sexuality, or disability) 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 recognising that wherever possible neighbours should try to solve problems between themselves. Staff will take action quickly in cases of serious harassment or victimisation. By its actions South Lakes Housing will show tenants that it will not tolerate anti social behaviour. In order to deal with such behaviour, a variety of possible action will be considered including the use of injunctions and evictions.
- To ensure that every victim of nuisance behaviour receives swift and effective support which leads to a resolution of the problem.

### 3.0 Definitions

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

A 'relevant landlord' could be a local authority, registered social landlord, or housing action trust.

The housing management function of the landlord covers any activity that the landlord would undertake in the day to day and strategic management of their properties. This would include:-

- Tenant and leaseholder participation
- Maintenance and repairs
- Rent collection
- Estate management

Matters that might indirectly affect the housing management function include social care and housing support, environmental health and refuse collection and other services that enable the efficient operation of the landlord.

It is also important to note that the anti-social behaviour could be either

- By a tenant of a relevant landlord affecting other tenants, owners, or others lawfully using a property or facilities in the local area
- By an owner of a property or tenant of another landlord in the local area affecting tenants of a relevant landlord

The owner or tenant would also be considered responsible for the behaviour of other people living in their property and visitors.

Anti-social behaviour might include, amongst other things:-

- Noise nuisance
- Intimidation or harassment
- Damaging or misusing public areas (graffiti, abandoned vehicles, fly tipping)
- Aggressive or threatening language or behaviour
- Violence against people or property
- Incitement to violence
- Crimes based on discrimination (eg race, sexual orientation, religion)
- Using housing accommodation for supplying drugs, or other illegal or immoral purposes

When assessing complaints to determine whether they constitute anti-social behaviour, we will consider the frequency and severity of incidents, their effect on the victim, and other contributory factors such as the construction of the building. The intentions of the person carrying out the behaviour will be taken into account as well as any disability they may have.

Serious anti-social behaviour will not be tolerated. This includes:-

- Threats of, or actual violence against persons
- Drug dealing
- Intimidation or harassment on grounds of race, sexual orientation, religious belief or disability
- Criminal activity

Other types of activity that are considered unacceptable include:-

- Loud and frequent parties
- Regular and loud noise particularly, but not exclusively, late at night including music, shouting and swearing, and noise from televisions and radios
- Regular and frequent noise from vehicles late at night or early in the morning (e.g. excessive revving of engines, horns etc.)
- Damage to property and vandalism

Not all complaints received constitute serious anti-social behaviour and in these cases we may suggest other remedies, such as mediation delivered/facilitated by an independent organisation. Examples of behaviour that would not normally be considered to be serious anti-social behaviour include:-

- Children's play
- Occasional parties/noise/disturbance
- Normal domestic activities

This list is not intended to be comprehensive, merely to act as a guide.

Racial Harassment:

Harassment which is racially motivated. It has been defined by the Commission for Racial Equality as "violence which may be verbal or physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, nationality or ethnic origins, when the victim believes that the perpetrator was acting on racial

grounds and /or there is evidence of racism". South Lakes Housing has approved a separate policy statement in regard to racial harassment.

**Sexual Harassment:**

The interference with a person's comfort or safety on grounds of gender or sexual orientation.

**Disability Harassment:**

The interference with a person's comfort or safety on grounds of their disability.

**Domestic Violence:**

Violence through the means of verbal and/or physical assault and/or threatening behaviour and/or deprivation of essential care and nurture occasioned to a member of the perpetrator's own family.

#### **4.0 Our Approach to Anti-Social Behaviour**

South Lakes Housing takes take firm action to eliminate anti-social behaviour. Our response to anti-social behaviour will be proportionate depending on the factors listed in the section above. Our intention is to deal firmly but fairly with anti-social behaviour, to deter such behaviour and to encourage others to come forward as witnesses.

Our normal approach is to ensure that troublesome families or individuals receive support as appropriate to assist them in modifying their behaviour, and then to act against those families or individuals who continue to cause a nuisance.

We work closely with the Police and other agencies including Resolve Mediation Service in order to deal with serious cases of anti-social behaviour and determine what action will be taken. Where appropriate the action we take could result in tenants losing their security of tenure, their home, or being subject to an injunction which might lead to their arrest or even imprisonment. However, in most cases such action will not be appropriate and other measures will be considered including mediation.

We also 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
- Inclusion of clauses relating to anti-social behaviour in our tenancy conditions
- Enforcement of tenancy conditions

We contribute to the safety of the wider community, together with the Police, Cumbria County Council, the Probation Service, and Youth organisations through the Crime and Disorder Reduction Partnership.

The South Lakeland Crime and Disorder Reduction Strategy sets out in detail the measures taken by the Partnership to reduce crime and anti-social behaviour.

A copy of the Strategy is available on request.

#### **Pre-tenancy**

An effective anti-social behaviour strategy aims, in the first place, to prevent anti-social behaviour occurring by minimising the conditions which encourage it to start. Essentially this means that before an allocation is made, South Lakes Housing will have made arrangements with appropriate agencies to ensure that any support packages needed are in place, any relevant agencies are involved and consulted, and our approach to the management of the tenancy has been agreed beforehand.

The strategy recognises that the selection of a property in the allocation process is an important factor in the prevention of anti-social behaviour. There is a recognition that the allocation of properties based solely on housing need may not always be appropriate if South Lakes Housing is to be successful in maintaining stable communities.

### Post Allocation

The sign up of new tenants is an opportunity to explain and reinforce the rights and obligations of the tenant as set out in the tenancy agreement; especially not to cause, or allow to be caused, nuisance to neighbours or those living nearby. This is reinforced with information in the Tenants' Handbook including a Good Neighbour Charter. Staff will ensure the tenancy agreement is explained to the tenant clearly so that they fully understand the terms of the agreement and the way South Lakes Housing will approach breaches of the agreement.

Following the sign up procedure, South Lakes Housing will undertake 'settling in' visits approximately three months after the tenancy start date. These visits, which are part of established good practice, are aimed at spotting early warnings of potential problems as well as providing an opportunity for the tenant to resolve any outstanding issues such as with regard to housing benefit. If support packages have been identified prior to the start of the tenancy, these early visits enable South Lakes Housing to check that the relevant agencies are involved and that any special tenancy management arrangements that have been agreed are in place and effective.

### Report Handling

Clear information will be provided to residents on how to report harassment, nuisance and anti-social behaviour, irrespective of tenure. All reports will be treated in confidence and be quickly and formally acknowledged. Following receipt of the complaint, investigations will begin within 24 hours for serious cases and within 5 working days for routine cases, and all possible remedies explored including the use of mediation as a possible first step (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).

South Lakes Housing will ensure that a prompt and sympathetic approach is given to dealing with cases of harassment, nuisance, anti-social behaviour and domestic violence. The interests of the victim are paramount and, in the event of proven harassment occurring which results in the victim wishing to move, South Lakes Housing may (where appropriate) make temporary arrangements and/or seek to effect a permanent move at the earliest opportunity. It should be emphasised, however, that the policy is focused on dealing with the problem rather than the transfer of the victim.

Throughout the process South Lakes Housing will endeavour to provide the victim(s) and/or witnesses with a high level of support (see 6.0 Support for Complainants and 12.0 Support for Witnesses).

South Lakes Housing will work in partnership with the Police, the Local Authority and other agencies to combat crime in its properties or the locality of its properties, will participate in Community Safety initiatives and will play an active role in the Crime and Disorder Reduction Partnership.

South Lakes Housing is committed to adopting best practice in the management of harassment, nuisance, anti social behaviour and domestic violence and, will support new initiatives at regional and national level.

## Tenant Involvement

South Lakes Housing will encourage the participation of tenant representatives and tenants associations in setting policy and developing services. South Lakes Housing will work in partnership with the Tenants` Committee. Through this process South Lakes Housing will:-

- encourage the participation of service users in defining the standards of service provided to the community as a whole;
- involve service users in reviewing the standard of service provided;
- challenge the way it approach complaints of anti-social and other adverse behaviour to ensure it continues to be effective;
- identify changes that may be required in the light of experience.

### **5.0 Tenants' Obligations**

Our housing tenancies are subject to a Tenancy Agreement. All tenants are required to sign this at the outset of their tenancies and given their own copy. The obligations of the tenant in relation to anti-social behaviour are explained at the tenancy sign-up interview.

The full Tenancy Agreement is available on our web site.

The major conditions relating to anti-social behaviour are as follows:

#### Animals

- (a) The Tenant shall not keep any animal on the Property, other than one domestic pet (subject to sub-section (b) below), without the written permission of the Council (which shall not be unreasonably withheld).

Animals must be kept under control

- (b) Where the Tenant lives in a flat with communal access or stairway, the Tenant shall not keep any animal on the Property without the written permission of the Council (which shall not be unreasonably withheld).

#### Use of Communal Areas

The Tenant and members of his/her household shall use communal areas, where they exist on an estate, in a reasonable manner, and keep any communal access ways or staircases in a clean and tidy condition.

#### Nuisance

The Tenant shall act in a reasonable manner and avoid, in particular, conduct which causes a nuisance to others. The Tenant is also responsible in this respect for the conduct of members of the Tenant's household and others who are temporary or permanent residents at the Property, including visitors.

#### Illegal or Immoral Purposes

The Tenant shall not use the dwelling for illegal or immoral purposes. The Tenant is also responsible in this respect for the conduct of members of the Tenant's household and others who are temporary or permanent residents at the Property including visitors.

#### Parking

The Tenant and members of his/her household shall park vehicles only in authorised places (and in particular not on grass verges and greens) and shall not obstruct other users of the roads and footpaths.

### **6.0 Support for Complainants**

We will support complainants by:-

- Dealing with their complaint promptly.

- Keeping them informed of any developments relating to their complaint.
- Referring them to Victim Support or other support services where appropriate.
- Providing interpreters on request for people who do not speak, or only speak limited English.
- Providing interpreters on request for people who are hearing impaired.

## 7.0 **Racial Harassment**

We will not tolerate racial harassment by or against our tenants, and will work with the Police and other agencies to 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.

Where harassment can be proved to the satisfaction of the County Court then a possession order will be obtained which could lead to the tenant being evicted either straight away or if harassment re-occurs.

South Lakes Housing has a specific policy in regard to equality and diversity which can be viewed on our web site. A hard copy is available free of charge on request.

## 8.0 **Domestic Violence**

South Lakes Housing will be particularly sensitive to the needs of those affected by relationship breakdown and any related problems of domestic violence. It will adopt interview, investigative and documenting procedures which afford privacy and confidentiality and a victim-orientated approach to those in need.

South Lakes Housing will ensure that appropriate advice is given about the options available including the financial and legal issues involved (although specific, detailed advice can only be provided by the person's own specialist advisers).

Where children are affected, particular care will be taken to ensure that their interests are taken into account and that where appropriate the local statutory, voluntary and other support agencies are involved, provided that parental rights and wishes are followed (unless action might otherwise be required of South Lakes Housing under legislation relating to children).

In cases of domestic violence, steps will be taken as required to provide, or enable the provision by other agencies of, secure accommodation elsewhere.

In the case of domestic violence as with other forms of harassment and anti-social behaviour, South Lakes Housing will work with the Police and other agencies to use existing legal remedies against any tenant using domestic violence and will take firm, prompt and appropriate action against the perpetrators including, if necessary, action leading to eviction and in pursuance of crime and disorder legislation. South Lakes Housing will also liaise with the Council's Community and Housing Group regarding homelessness as a result of domestic violence; and with Impact Housing Association regarding safe homes with floating support for victims of domestic violence.

## 9.0 **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.

Where threats or violence against staff and contractors can be proved to the satisfaction of the County Court then an injunction and/or a possession order will be obtained which could lead to the tenant being evicted either straight away or if the behaviour re-occurs.

## 10.0 Preventing Anti-Social Behaviour

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

- Operate a system of introductory tenancies for new tenants. This means that all new tenants must serve a probationary year before they can become secure tenants
- Contribute to a Mediation Service provided in South Lakeland and operated by Resolve as a first intervention to avoid escalation of neighbour disputes
- Participate in and contribute to the South Lakeland Crime and Disorder Reduction Partnership
- Participate in the South Cumbria 'It's Your Choice' project (a 5-step process aimed at preventing anti-social or criminal behaviour)
- Work closely with the Police and other agencies
- Operate under the Re-housing of Dangerous Offenders Protocol in managing the risk of dangerous and potentially dangerous offenders
- Arranged and signed up to an Information Sharing Protocol with other agencies
- Carry out improvements to our estates to help prevent anti-social behaviour and criminal activity
- Provide floating support to vulnerable tenants to assist them in living independently and complying with their conditions of tenancy
- Take prompt action to deal with abandoned vehicles, fly tipping and graffiti

We will continue to research best practice in dealing with anti-social behaviour and to implement new measures where appropriate.

## 11.0 Rehabilitation of Offenders

We also aim to prevent anti-social behaviour from re-occurring. Each case will be investigated to see how this can best be achieved. 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 all the advice or support that they need to deal with their difficulties. If this does not make a difference, or if they are failing to co-operate with the individual or agency concerned, then further action will be taken as appropriate:-

### Non-legal remedies

- Mediation of disputes
- Agreement to end nuisance
- Agreement to remove items by a set date
- Acceptable Behaviour Contracts

### Legal remedies

- Anti-Social Behaviour Order
- Noise Abatement Notice
- Injunction to stop a particular activity
- Injunction to carry out particular work
- Possession proceedings in County Court
- Prosecution by Council or Police

These remedies will be used, where appropriate, in consultation with relevant agencies. This will include the Police, Environmental Health Officers, Social Services etc.

## 12.0 Support for Witnesses

South Lakes Housing is aware of the importance of providing support for witnesses and will ensure that there is no unreasonable delay in investigating incidents and that there is an immediate response to any serious nuisance or harassment.

Support and protection measures available include:-

- Rehousing (in extreme cases)
- Emergency legal action (injunction, action under the Protection from Harassment Act 1977 or the Criminal Justice and Police Act 2001)
- Extra security such as the installation of dispersed alarms or additional locks
- Working closely with the Police and other agencies as necessary to ensure witnesses are protected from intimidation
- If the action complained of appears to be racially motivated or the complainant states they believe it to be, staff will follow our policy for dealing with racial incidents
- 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 and what further evidence gathering may be necessary

## 13.0 Data Protection and Confidentiality

Any information given to us will be treated in confidence. It will not be passed to any person who is named in the information without permission of the person who gave the information.

Under the Crime and Disorder Act 1998 section 115, 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 ASBO'. The information must however still be processed in accordance with the data protection principles under the Data Protection Act 1998 and common law e.g. defamation, duty of confidence.

A protocol has been set up between agencies in South Lakeland for the exchange of information. South Lakes Housing will, therefore, give consideration to what information is necessary and make formal requests as necessary to appropriate named Officers.

## 14.0 Multi-Agency Partnerships

In addition to our partnership with Resolve Mediation Service, Housing Officers attend a number of multi-agency meetings that deal with anti-social behaviour issues. These include:-

- South Lakeland Crime and Disorder Reduction Partnership Anti-Social Behaviour Task Group - includes Police, Youth Offending Team, youth groups, Probation Service and other agencies and meets quarterly to progress action plan
- Liaison Meetings – meet regularly to discuss estate management problems on individual estates and includes Police, registered social landlords, other agencies
- Hallgarth Young Peoples Organisation - promotes youth activities and includes Young Cumbria, the police, registered social landlords, Cumbria County Council, and community volunteers
- Vulnerable Adult Protection – meetings as and when required to discuss individual vulnerable adults known to Social Services

- Child Protection – meetings as and when required to discuss individual families where children may be at risk
- MAPPA (Multi Agency Public Protection Arrangements) process instigated by the Probation service when sex offenders or other dangerous offenders are released

Agencies that have signed the information sharing protocol may exchange information where it would assist in:-

- Preventing or detecting crime
- Preventing disorder
- Protecting public safety
- Protecting the rights and freedoms of others

## 15.0 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.

Training needs are identified through annual job appraisal and development interviews and six-monthly reviews.

## 16.0 Key Targets and Performance Indicators

South Lakes Housing will use the following Key Performance Indicators, collated monthly by management patch, to monitor performance in this area:-

- % of anti-social behaviour cases investigated within designated response times (target 90%);
- number of anti-social behaviour cases investigated.
- tenant satisfaction

Compliance with the Commission for Racial Equality's Code of Practice in Rented Housing.

Benchmarking with regard to best practice.

## 17.0 Monitoring, Review and Consultation

Regular reports will be made to the Board, South Lakeland District Council and Tenants' Committee at monthly intervals on the key performance indicators outlined above.

An annual report will be made to tenants via the tenants newsletter and regular reports given to Area Panels.

At the conclusion of each case, the Senior Housing Officer will visit each complainant in order to make sure that s/he agrees that the case is at an end and to find out his/her views on how the case was handled. Each complainant will be given a Neighbour Nuisance Survey form to complete and return via a stamped addressed envelope

## 18.0 Service Development and Review Priority

Changes to the service take place as the result of the work of our estate management Service Improvement Group with tenant representation. Service change also resulted from the Best Value Review and subsequent Best Value Inspection in January 2004.

Policy Review Priority – High

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# ANTI-SOCIAL BEHAVIOUR PROCEDURE

## 1.0 Objectives

Housing staff will investigate every report of anti-social behaviour (ASB) and give advice or take action where necessary to remedy the problem.

Housing staff will stress a conciliatory rather than confrontational approach recognising that wherever possible neighbours should try to solve the problem between themselves. Staff will take swift action in cases of serious harassment and victimisation. By its actions South Lakes Housing will show tenants that it will not tolerate anti social behaviour. In order to deal with such behaviour, a variety of possible action will be considered including the use of injunctions, anti-social behaviour orders and evictions.

## 2.0 Making A Complaint of Anti-Social Behaviour

Complaints can be made in person, by telephone or in writing to a housing officer at any of our Area Offices:-

**Little Aynam House, Little Aynam,  
Kendal**

Tel: 01539 717717

Fax: 01539 717716

**Town Hall, Queen Street,  
Ulverston**

Tel: 01229 584424

Fax: 01229 586240

**Council Offices, Church Street,  
Ambleside**

Tel: 015394 33631

Fax: 015394 34700

Complaints specifically concerning noise caused by owner occupiers and tenants of privately owned property or other social landlords are dealt with by the Council's Environmental Protection Group:-

**South Lakeland House, Lowther Street,  
Kendal**

Tel: 01539 733333

Fax: 01539 740300

Tenants should report any criminal activities that they are aware of to the local police. Reports can be made anonymously, if the tenant so wishes, by contacting Cumbria Crimestoppers at any time of the day or night on the freephone number 0800 555 111.

## 3.0 Processing A Complaint of Anti-Social Behaviour

### Stage 1

When a complaint is received, a Senior Housing Officer will consider the details and log the complaint as either 'Serious', 'Serious – Race Related' or 'Routine'.

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

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.

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

## **Stage 2**

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

- Decide that no further action is required in which case the complainant will be notified of this and of the reason why or
- Write to the perpetrator requesting co-operation to end nuisance or
- Decide that it is necessary to proceed to Stage 3

## **Stage 3**

The Senior Housing Officer will:-

- Carry out further enquiries/visits as necessary
- Visit the alleged perpetrator of nuisance (with the complainant's permission)
- Suggest mediation as an option
- Notify the complainant verbally of action taken
- Issue diary sheets to the complainant where appropriate
- Agree an action plan with the complainant

## **Stage 4**

If the nuisance persists, the Senior Housing Officer will decide on what action to take next (see Stage 5) taking into account:-

- The nature and severity of the behaviour
- The frequency of the incidents
- The impact of the behaviour on the complainant and, where appropriate, witnesses
- The intentions of the perpetrator (i.e. whether it was deliberate or not)
- The circumstances of the perpetrator (for example whether the perpetrator is vulnerable or has a disability)
- Whether there are other contributory factors such as the construction of the building
- Whether there are counter allegations

Where the tenant or perpetrator of anti-social behaviour may suffer from a disability (within the meaning of the Disability Discrimination Act 1995) the Senior Housing Officer will undertake a DDA evaluation to consider the following key issues:-

- Whether the perpetrator suffers from a disability
- Whether the disability (if any) causes the behaviour i.e. whether the behaviour is symptomatic of the disability
- Whether proceedings can be justified, even if the behaviour complained of is symptomatic of the disability, in the interests of or to protect from harm the tenant or perpetrator or others

The Senior Housing Officer must make notes of the considerations taken into account, evidence sought (e.g. evidence from neighbours that they are suffering from stress, are under GP care, or themselves suffer from a disability that is exacerbated by the behaviour of the perpetrator), and decisions made.

In appropriate cases the assessment of what action to take next will be made in consultation with the Head of Housing Services, Legal or Environmental Health Officers, the Police and other agencies. Where there is multi-agency involvement,

the Senior Housing Officer may arrange or attend a case conference to decide whether further action such as an acceptable behaviour contract, anti-social behaviour order or injunction is required.

Where the Senior Housing Officer is satisfied that anti-social behaviour is taking place, she/he will advise the complainant of what further action, if any, we can take. The types of action we could take are detailed in Stage 5.

If the problem is serious and it is likely that we will take legal action should the behaviour not improve, then the Senior Housing Officer will ask the complainant to continue to keep a record of the anti-social behaviour until such time as the case is heard in Court. This is because the Court will need evidence that the problem is a serious one, that the perpetrator has failed to improve their behaviour in response to other action taken and that the anti-social behaviour is still occurring. In some cases, record keeping may have to be carried out over many months.

If appropriate the Senior Housing Officer will also advise the complainant 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

Where appropriate, the Senior Housing Officer will ask the complainant to let us know if the problem becomes more serious or there is any change in the nature of the problem.

## **Stage 5**

Further action taken will depend on the seriousness and nature of the anti-social behaviour. In most cases action will include one or more of the following:-

### Mediation

South Lakes Housing has a partnership arrangement with Resolve Mediation Service (an independent organisation) to provide a community mediation service for our tenants free of charge.

Mediation is a way of dealing with disputes that aims to enable the people involved to reach an agreement that satisfies everyone. Disagreements can be sorted out quickly and confidentially without the expense of going to court.

The sort of disputes normally dealt with by mediation include:-

- noise
- parking
- pets
- litter
- children
- boundaries

Resolve mediators are specially trained volunteers who have completed a lengthy training course in mediation skills. They are impartial and interested only in helping all parties find a solution that suits everyone involved in the dispute. They will not tell anyone else what has been said in the mediation.

### 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. These can also be used with young people and backed up by a Parental Control Agreement which is signed by the parent or responsible adult.

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.

An ASBO can be attached to a conviction for a criminal offence or applied for on a "stand-alone" basis. These orders will normally seek to place limits on a person's behaviour including, for example:-

- 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

Applications for an ASBO will normally be made jointly with the police.

### Injunctions

These may be made as well as or instead of an ASBO. An injunction can be obtained through the County Court and can be used either to make somebody do a particular thing or, more usually, to prevent somebody doing a particular thing.

Injunctions can be made against a tenant or against any other person to prevent conduct which:-

- Is capable of causing nuisance or annoyance to any person
- Directly or indirectly relates to or affects the housing management functions of a relevant landlord and is capable of causing nuisance or annoyance to:
  - A person living in accommodation owned by the landlord or in the area of accommodation owned by the landlord (e.g. on a social housing estate)
  - A person engaged in lawful activity (but not living) in that area
  - A person employed in connection with the landlord's housing management functions (but not necessarily by the landlord)

Injunctions may also be made to prevent unlawful use of housing accommodation owned by the landlord. If there is violence, threatened violence, or significant risk of harm, then a named person could be prevented from entering a particular property or particular area.

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. However, 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. A leaflet giving information about introductory tenancies is available at any Area Housing Office.

If a secure tenant, or a member of their household or visitor, 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. At the end of the demoted tenancy period, if there has been no further anti-social behaviour, the tenancy reverts to a secure tenancy. If on the other hand there is further anti-social behaviour, or another breach of the Conditions of Tenancy, then South Lakes Housing can apply to the County Court for possession using a similar procedure to that for introductory tenants.

### Possession Proceedings and Eviction

South Lakes Housing can apply to the County Court for a Possession Order. In the case of an introductory or demoted tenancy, provided the correct procedures have been followed, the Court has to make the order. In the case of a secure tenancy, the Court may grant an Order but must be satisfied that there is a valid reason for possession on one of the grounds specified in the Housing Act 1985. The Court must also be satisfied that it is reasonable to grant a Possession Order. The Court will normally expect South Lakes Housing to have pursued other remedies in order to deal with the behaviour prior to taking possession proceedings. An order may be outright or suspended, and may be immediate or for a period up to 91 days. 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, the Senior Housing Officer should visit each complainant in order to make sure that s/he agrees that the case is at an end and to find out his/her views on how the case was handled. The Senior Housing Officer will leave a Neighbour Nuisance Survey form and a stamped addressed envelope with the complainant for completion.

The Senior Housing Officer will make a return visit approximately six months after the case is closed in order to make sure that there have been no further problems.

## **4.0 Supporting Complainants**

For any legal action to succeed, complainants and other witnesses are usually required to say what they have seen or experienced. People may sometimes be unwilling to do this for fear of intimidation if they go to Court.

In the most serious cases, we may consider moving complainants and witnesses to another area within or even outside South Lakes. Officers will provide advice on what housing options are available should an immediate move be necessary, and otherwise will consider whether a move to alternative accommodation on management grounds is appropriate. If such a move is considered appropriate, we will take into account the complainant's or witness's preferences but cannot guarantee that the accommodation offered will be in the area of choice.

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. In the most serious cases, we may hire professional witnesses, although this is a very expensive option and its use will therefore be limited.

Where complainants and witnesses are giving evidence in person or in cases of intimidation or harassment or domestic violence, South Lakes Housing will consider the following options if a move to alternative accommodation is not considered necessary, or is not requested by the witness:-

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

Additional support can also be offered to witnesses such as transport to Court hearings, travelling expenses, access to translation services, and other reasonable expenses.

## **5.0 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 on a monthly basis.

The results from the Neighbour Nuisance Survey forms completed at the conclusion of each case are also monitored.

In addition we monitor the number of:-

- Cases referred to and taking up mediation
- Acceptable Behaviour Contracts agreed with SLH tenants
- Anti-Social Behaviour Orders served on SLH tenants
- Injunctions obtained against SLH tenants
- Demotion Orders obtained
- Possession Orders obtained against SLH tenants on grounds of anti-social behaviour
- Evictions carried out on grounds of anti-social behaviour

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

To assist in determining how effective our Policy and Procedures are, we gather the following figures as part of the Status Survey carried out every three years and publish the results on our web site and in our tenants' newsletter:-

- % of tenants who consider the following to be a serious problem:
  - vandalism
  - graffiti
  - dogs
  - litter and rubbish in the street
  - problems with neighbours
  - racial harassment
  - noise from people
  - noise from traffic
  - people causing damage to your home
  - drug dealing
  - other crime
- % of tenants very or fairly satisfied with the cleanliness and maintenance of the open spaces on their estate
- % of tenants very or fairly satisfied with the area as a place to live

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