



Anti-Social Behaviour Policy

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Rosebery Housing Association's Anti-Social Behaviour Policy

Rosebery Housing Association believes that everyone has the right to the enjoyment of their home and local neighbourhood. We are committed to working with our partner agencies to achieve this for all properties owned by Rosebery Housing Association, including tenants, leaseholders, shared owners and people living in our market rented properties.

What is Anti-Social Behaviour?

The Anti-Social Behaviour Act 2003 defines anti-social behaviour as:
'Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects housing management functions of a relevant landlord; or

Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose'.

The following activities are examples of anti-social behaviour, although this list is not prohibitive: -

- Violence or threats of violence by tenants, their occupants or visitors
- Harassment and intimidation including racial, homophobic and hate crime
- Noise nuisance that negatively affects the enjoyment of people's home such as loud music, shouting and screaming during unsociable hours
- Illegal drug use and supply relevant to our property and/or the locality or borough of the resident.
- Use of motor vehicles, (including mopeds, scooters) in an anti-social manner in the locality of our property or borough
- Failure to control/look after animals that interferes with other people's rights to the use and enjoyment of their home or community

Tenants' Rights and Responsibilities

We want our tenants to be able to live in a safe, secure and peaceful home and neighbourhood. If they are to enjoy this right then they must also accept basic responsibilities and part of this is to abide by the tenancy agreement that they have signed up to.

The tenancy agreement makes it very clear that we will not tolerate anti-social behaviour, including harassment, victimisation, annoyance or nuisance from our tenants, occupants and/or their visitors and we will take action within our powers and under our policies and procedures to deal with any occurrences.

How Rosebery Housing Association tackles anti-social behaviour

All reports of anti-social behaviour will be taken seriously and reported incidents investigated thoroughly, and if proven, appropriate action will be taken.

We will try to prevent anti-social behaviour, using the following examples where appropriate: -

- Door entry systems on sheltered schemes and blocks of flats
- Working closely with the Police, the local authority and other relevant agencies
- Starter tenancies. Every new tenant has a 'sign-up' interview at which tenancy conditions and obligations relating to anti-social behaviour are clearly explained. Starter tenancies enable early interventions to be made in order to uphold the tenancy conditions and protect residents from ASB.
- Fixed-term tenancies. Residents who have breached or perceived to have breached their tenancies through ASB or nuisance, will not be offered a new fixed term
- Facilitating direct support service (Floating Support) for those tenants who may be at risk or are vulnerable
- Supporting local schemes and projects that facilitate diversionary activities such as sports, dance and other activities for young people who are at risk of becoming either victims or perpetrators of anti-social behaviour
- Guidance in the form of literature with individual information sheets on each category of ASB (including the regulations, penalties and useful agency contacts)
- Agree lettings plans with the local authority to create a cohesive society
- Attend and contribute to multi agency meetings on anti social behaviour

In managing nuisance we will:

- Put Victims First
- Publish and make available our policy and procedure and be accountable to a case review under part 6 of the Crime & Policing Act 2014 if the community trigger is invoked.
- Follow the Surrey Community Trigger Framework
- Send an acknowledgement letter detailing the case number, the officer dealing with the case, when the contact will be made and enclosing diary sheets and ASB information guidance if applicable
- The appropriate officer will contact the complainant within 5 working days, for Category 3 lower level ASB such as noise, pets and animal nuisance or garden nuisance (The categorisation determines the timescale with which the complaint will be responded to. This in no way implies that less serious cases are not treated importantly, however high risk cases take precedent)

- With conduct involving Category 2 complaints ,more serious forms of ASB such as, vandalism and damage to property (if non persistent), we will contact the complainant within 3 working days
- With conduct involving Category 1 serious ASB such as Verbal abuse / harassment / intimidation / threatening behaviour , we will contact the complainant within 1 working day
- Complete an action plan agreed with the complainant regarding level of contact, what action will be taken and possible outcomes
- Ensure that staff handling these cases are trained, supported and kept abreast of any relevant changes in the law
- Where independent mediation is required, your Neighbourhood officer will refer the case to Mid-Surrey Mediation. If mediation does not work or the extent of the nuisance is such that mediation is inappropriate you will be asked to keep detailed written records of events, over a period of time. You will need to record dates, times and details of who may be involved. Work in partnership with the Police, other agencies and residents to deal effectively with perpetrators and help people who are affected by anti-social behaviour
- Refer tenant's to our Tenancy Sustainment Officers
- Have a small budget for minor works or improvements that can assist in the resolution of ASB

Where a breach of the conditions of the tenancy agreement has been proved and enforcement of the conditions in the tenancy agreement is appropriate, we will attempt to tackle the behaviour of the people responsible.

We will do this by:

- Liaising with the Police and/or Environmental Health Officers and asking them to provide evidence where they have been involved.
- Installing sound recording equipment to capture nuisance and if necessary provide evidence in court
- Considering the use of an interpreter or language line if the communication is affected by English as a non first language
- Obtaining evidence and witness statements from other people who are affected by the behaviour.
- Liaising with the Police and Local Authority to create an Acceptable Behaviour Contract
- Consider asking the courts to grant an injunction against the perpetrator over the age of 10. There is also a option within the injunction for positive requirements to focus on long-term solutions
- Supporting the police or the local authority in applying for a closure order, to close the premises and prevent criminal activity such as crack houses, and brothels.
- Requesting the Crown Prosecution Service or Local Authority to consider applying for a Criminal Behaviour Order and providing supporting evidence
- Serving a Notice of seeking Possession and taking legal action against the perpetrator for possession of their property or serving notice under mandatory grounds under section 5 of the crime and policing act 2014 if one of the following 5 conditions have been met
 - 1) Conviction for a serious 'Housing Related Offence'
 - 2) Breach of an Injunction under s.1 of the Act
 - 3) Convicted for breach of a Criminal Behaviour Order
 - 4) Dwelling-House is subject to a Closure Order

- 5) Convicted for a breach of an Abatement Notice or Order under s80(4) or s82(8) Environmental protection Act 1990
 - This ground can only be used if there is no outstanding appeal against the conviction or finding
- Serving a s21 notice on starter or introductory tenants

The Association will NOT accept nominations for, or rehouse, people who have been the subject of legal proceedings for anti social behaviour, or who have been Rosebery residents that have caused anti social behaviour or nuisance within our stock previously

Mutual exchange applications will not be considered from a tenant who has a current injunction for anti social behaviour or who has had any formal police, local authority or housing association action taken against them in any way.

What Rosebery Housing Association cannot do

There are times and situations when Rosebery will not, or is unable to, take any action. Examples of these situations are given below but are no means intended to be exhaustive.

- We cannot tackle anti-social behaviour on estates in isolation. Support is needed from residents, and other agencies where appropriate, to stop anti-social behaviour.
- We cannot take legal action where there is no evidence to support allegations of anti-social behaviour or where the behaviour complained of is not the subject of any legal action.
- We cannot take action when nuisance is suffered as a result of others doing something that is not deliberate and/or only 'domestic in nature'.
- We cannot act solely in cases where criminality is suspected. And will work with other agencies including the police

Resident responsibility

We expect our residents to help themselves and us to tackle anti social behaviour and ask that they do this by

Discussing minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner.

Where appropriate, talk to their neighbour first to try to resolve any pet or noise-related problems.

Work and cooperate with us fully to resolve disputes/issues, for example by providing us with updates of incidents, attending mediation, providing witness statements, attending court etc.

Engage fully with us during a case. When a resident fails to engage with us during an investigation and this impedes our ability to address the issues being raised, we may close the case.

We cannot investigate complaints that are not considered anti social behaviour

Sometimes tenants and/or neighbours may do things that others do not approve of, but it is not considered anti social behaviour.

The following activities are examples of behaviours not considered to be anti-social behaviour, although this list is not prohibitive: -

- Family disputes
- Crying babies
- Personal differences
- Clash of lifestyles, including cultural differences
- One off parties where there is no evidence it will reoccur
- Cooking odours
- Noise from children playing
- Normal living sounds, closing doors, walking on stairs talking loudly and some DIY

Domestic abuse

There are charities and other voluntary organisations that can help victims of domestic abuse. Through our contact with residents, we recognise that our staff play a role in identifying and aiding victims; signposting them to the relevant organisations.

Domestic abuse is defined as:

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse;

- Psychological
- Physical
- Sexual
- Financial
- Emotional
- Domestic abuse is not always violent. It can take the form of:
- Coercive control
- Financial control
- Verbal abuse
- Forced social isolation

‘Controlling behaviour’ is a range of acts designed to make a person subordinate and/or dependant by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

‘Coercive behaviour’ is an act or a pattern of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.

Domestic abuse can affect people whether they live together or apart, for example:

- Adolescent to Parent Violence and Abuse
- Elderly people at risk from abuse from family members or others in a position of trust
- Individuals forced into marriage by their families
- Individuals who are victims of honour based violence from their families or community

We recognise that domestic abuse can happen to any member of the family, whether they are young or old, male or female, and that the abuser can be any member of the family; grand-parent, mother, father, son or daughter. It is also recognised that domestic abuse can happen within same-sex relationships, and can affect people regardless of religion and ethnicity.

In attempting to tackle Domestic Abuse, we will

- Aid staff with regular training by partner agencies and health professionals to increase the knowledge base and identify warning signs
- Provide a budget for sanctuary to do preventative and reactive work to residents properties in conjunction with the Domestic Abuse Services
- Attend and represent Rosebery at Multi Agency Risk Assessment Conferences, providing vital information to other agencies

Working with other agencies

Rosebery believes that the most effective way of tackling anti-social behaviour is to work closely with other agencies, which enables us to approach solutions from several different angles for a more sustainable result. Rosebery has signed up to the Surrey Information Sharing Protocol, which is an agreement between member agencies, and safety net which is a secure web based system for accessing information on perpetrators of ASB with enhanced confidentiality. Rosebery will also attend and contribute to the Community Incident Action Group to discuss the perpetrators of ASB and possible remedies and triggers, and the Joint Action Group, to combat ASB in particular areas.

Supporting witnesses and those suffering from anti-social behaviour

Whatever action is taken to tackle the problem staff will ensure that those suffering as a result of the anti-social behaviour are supported and kept informed of progress until the case is concluded. The frequency of the updates will be agreed between the complainant and the investigating officer.

- Should court action proceed we will provide support by way of:
- Providing a full explanation of the impact of any legal proceedings and decisions.
- Emotional support by way of regular telephone calls and/or visits.
- Offering translation services for witnesses where appropriate.
- Referral to the Witness Support service who have access to a range of further support services.
- Agree post-hearing support between the agencies and witnesses after any court hearing.
- Close liaison with other agencies involved, including the Police, to ensure a consistent approach.

Useful Contact Numbers

Rosebery Housing Association

You can complain, compliment or comment on how we have handled your problems of nuisance or anti-social behaviour:

- In writing

- By visiting the Association's offices by appointment @:
Third Floor Newplan House 41 East Street Epsom KT17 1BL
- By phone by calling your Neighbourhood Officer on 0800 0687664
- By e-mail at customerexperience@rosebery.org.uk
- By text on 07736 592260

Useful Contacts:

National Noise help-line
Telephone - 01273 823850
E-mail info@noise-abatement.org

Local Police
Surrey Police Telephone - 101 or 999 in an emergency

Mediation Surrey CIO
www.mediationsurrey.org
info@mediationsurrey.org
03301 340 260