

ANTI-SOCIAL BEHAVIOUR (ASB) POLICY AND PROCEDURE

1. Statement of policy

- 1.1 This Policy fulfils our legal and regulatory requirement to publish our Anti-Social Behaviour (ASB) Policy (ASB Act, 2003 and the Regulator of Social Housing's Neighbourhood and Community Standard).
- 1.2 We want to strike a balance between protecting the quiet enjoyment of the community and helping individuals sustain their tenancies.
- 1.3 Through delivering our services, we want to prevent ASB from occurring. We will take action to stop further incidents if they occur.

2. What is ASB?

- 2.1 We use the definition of ASB from the ASB, Crime and Policing Act, 2014 which is:

'Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises. Or conduct capable of causing housing-related nuisance or annoyance to any person.
- 2.2 The term ASB describes actions by an individual or group that unreasonably interfere with (or could) an occupier's normal use and enjoyment of their home, garden, or neighbourhood. It may also affect people connected with the property such as our colleagues and contractors.

3. What do we consider to be ASB?

- 3.1 Anti-social behaviour can include:
 - noisy and/or abusive behaviour
 - vandalism
 - graffiti
 - intimidation
 - public drunkenness
 - littering
 - fly tipping
 - illegal drug use
 - excessively barking dogs

3.2 Behaviour regarded as acceptable by some can be completely unacceptable to others. Behaviour that is more frequent or persistent is more likely to be considered as anti-social behaviour. The type and intensity of the behaviour also matters.

3.3 Some behaviour, even though it may cause nuisance to individuals, may not be regarded as ASB. For example, this can include:

- one-off parties and barbecues
- infrequent and occasional noise or disturbances
- children's play
- occasional dog barking
- excessive noise from domestic appliances (e.g. washing machines, vacuum cleaners)
- minor vehicle repairs
- gossip
- escalated disputes.

3.4 The Association encourages its tenants to be tolerant of different lifestyles and living situations.

4. Statement of Procedure

4.1 The Association will work with tenants to manage anti-social behaviour. It will depend on the type of ASB reported as to what action the association takes, but all reports will be taken seriously.

4.2 The Association will adopt procedures appropriate to each situation. These may include:

- Support for tenants themselves to resolve disputes
- Conflict resolution including independent mediation
- Formal remedies and agreements, such as acceptable behaviour contracts
- Enforcement of existing appropriate policies including racial harassment policy and domestic violence policy
- Legal measures including:-
 - Action under breach of tenancy
 - Injunctions to stop specific actions
 - Anti-Social Behaviour Orders (obtained through police and/or local authorities)
 - Court order for suspended or outright possession leading to the eviction of the tenant from their home
 - Demoted tenancy
- Involvement of external agencies such as the local authority and the police.

4.3 The Association will work closely with other agencies such as local authority housing and environmental health departments, the police, and partner housing associations. Where other agencies have more effective powers to deal with problems that are presented, tenants will be referred on to them. The Association will enter into formal information sharing agreements with other agencies, where it is in the best interest of tenants and the Association to do so.

4.4 The Association will investigate all reports of anti-social behaviour and act in a timely manner. The Association's tenancy agreements contain clauses requiring tenants not to do or permit any behaviour, which causes nuisance or annoyance to their neighbours or others in their neighbourhood. This covers action in communal areas as well as the

home. Tenants are responsible for the actions of members of their household, including children, lodgers, animals and visitors. Tenants will be made aware of their responsibilities when they accept their tenancies.

How to report ASB

We can be contacted at the Association's office at 8 Grange Mills, Weir Road, SW12 0N.. You can report the matter by telephone to 020 8675 0320, in writing to the address above, or send it by email to info@newha.co.uk.

If you feel threatened or in danger at any time, you should contact the police.

What we will do

When you make report ASB, the Association will record the nature of the issue, the parties involved and the outcome you wish to see.

We will tell you how we will keep you informed of what is happening about your complaint.

We will tell you how to complain if you are unhappy with how we are handling your ASB report.

How we will process your report of ASB

The action we will take will be proportionate. The Association will assess your complaint on the following basis:

- The seriousness of the complaint. The Association will obtain a written statement regarding the nuisance. This may involve the Association writing up the events and the complainant signing it.
- Whether any one party is actually to blame.
- Whether there is a history of complaints of ASB on file.
- Whether the person causing the nuisance is in breach of their tenancy agreement.
- Whether the person causing the nuisance has any 'special needs' arising from drug/alcohol abuse, mental health or disability which, need to be taken into consideration.
- Whether there is already, or is likely to be, sufficient evidence to take action either immediately or at a future date, if the nuisance continues.

THE ACTION WE WILL TAKE

1. The Association will work with the person or persons causing the nuisance to ensure that it stops either immediately or within an agreed period of time. If the ASB results directly or indirectly from drug abuse, alcohol abuse, mental health or disability the Association will offer and/or seek the necessary support such as specialist agencies for rehabilitation.
2. If any damage has occurred, photographs should be taken and any repairs needed arranged as soon as possible.

3. We will not assume right or wrong on either side without full investigation and it may be practical to try and get the neighbours to work together and come to a mutual understanding, or compromise to change or modify behaviour.
4. If the complaint is between two neighbours, we will advise the complainant to speak to the neighbour first. However if the neighbour has been threatening or violent, the Association will not expect the complainant to approach them direct.
5. If the nuisance affects a number of people it may be possible to discuss the complaint without revealing the identity of the initial complainant. However if only one tenant is affected, the Association will inform the complainant that the identity of the complainant may be revealed as part of the investigation of the complaint.
6. Depending on the nature of the complaint, the Association will advise the complainant of other agencies who need to become involved in dealing with the nuisance.

ACTION FOR DIFFERENT TYPES OF ANTI-SOCIAL BEHAVIOUR

Loud Music

We will advise the tenant to report loud music to the local Environmental Health Department Noise Team, and to inform the Association when this has been done and if appropriate to send in copies of any letters. The Association will also visit to try and ascertain the level of disturbance and the investigations may involve collecting evidence from other tenants. The tenant will be sent 'diary sheets' to record the disturbance and these can be used to support legal action if it becomes necessary.

Vandalism/Damage to property

If a tenant complains of damage to their own property, the Association will advise the tenant to report it to the police and to seek advice on claiming compensation.

If the damage has occurred to LSHA property at the tenant's home, the Association will seek a crime reference number from the tenant before issuing a repair order.

Threatening Behaviour/ Verbal or Physical Abuse

Complaints of this nature should be reported to the police, however advise the tenant that they may need to provide proof before doing so. All incidents of this nature should be reported to the Association who will act according to our policy.

Legal remedies may need to be considered. This will need to be discussed with the Chief Executive and The Association's solicitors.

Pets

If complaints regarding pets are reported, the Association will advise the complainant to speak to the neighbour or write to the neighbour explaining the problem. If there is no improvement then the Association should advise that permission to keep pets can be revoked if pets cause a nuisance. The complainant may also contact the Local Authority Animal Warden, who can take appropriate action.

Unreasonable/Excessive noise

"Living noise" cannot be prevented or stopped entirely. If a tenant complains about this type of noise, advise them to speak to their neighbour or suggest mediation.

If there appears to be a serious sound transmission problem, the maintenance department will need to be consulted. With unreasonable or excessive noise, the complainant should be asked to keep a log/diary of incidents. (See also loud music above).

Dumping Rubbish/Abandoned Cars

If the nuisance causes a public health nuisance it should be reported to the Environment Health Department. The Association should arrange for rubbish to be removed from LSHA property as soon as it has been reported. In the case of complaints of abandoned cars, the Association's procedures will be followed. However, advise the complainant that the removal of abandoned vehicles may sometimes take some time.

The Association will also:

- Advise tenants of the options for action available to the Association if nuisances recur
- Support tenants by assessing their needs, Treat them as a high priority for transfer if that is what they need.
- Advise tenants that they should be willing to report serious incidents to the police and let them take appropriate action.
- Inform tenants that they should be willing to speak to neighbours and if appropriate attend mediation.
- Where appropriate ask the complainant and any others affected to keep a log/diary sheet to record incidents.
- Put the complaint clearly to the alleged perpetrator and give them 14 days to respond, seeking clarification on any discrepancies.
- Keep a record of all information relating to the complaint on file, as the nuisance may recur.
- Acknowledge receipt of noise/nuisance diaries sent in by tenants.
- Always keep the complainant informed of any action or updates regarding the complaint.
- Provide the appropriate support to witnesses.
- Respect tenants' confidentiality and seek the tenants' permission before disclosing information to the perpetrators, their legal representatives and other interested parties.
- Advise that information about complainants and perpetrators may be shared with other agencies for the purpose of preventing ASB or other crime. LSHA will carefully observe protocols on information-sharing.
- Ensure that staff dealing with ASB have been adequately trained.
- Advise tenants how they can make use of the Association's internal complaints procedure and also how they can appeal to the housing ombudsman.
- Monitor cases of ASB and report to the management committee the progress of these cases on a quarterly basis. The data collected will be used to assess the extent of the problem of ASB and the effectiveness of the associations' approach in dealing with ASB.