

# **Anti-Social Behaviour Policy & Procedure**

**LEE HOUSING ASSOCIATION**  
Tenant Services Authority. No. L 0456  
A Charitable Industrial & Provident Society No. 19003R

Estate Office  
227 High St  
Ponders End  
Enfield  
Middlesex EN3 4DX

Tel: 020 8805 0548  
Fax: 020 8805 6520

## **1.0 Introduction**

- 1.1 This policy and procedure outlines the approach taken by Lee HA when dealing with anti-social behaviour (ASB)

## **2.0 Regulatory/legislative context**

- 2.1 Housing Act, 1985  
Housing Act, 1988  
Housing Act, 1996  
Anti-social Behaviour Act, 2003, Office of Public Sector Information  
Crime and Disorder Act, 1998, Office of Public Sector Information  
Family Law Act, 1996, Office of Public Sector Information  
Protection from harassment Act, 1997, Office of Public Sector Information  
Noise Act, 1996, Office of Public Sector Information  
Police and Justice Act, 2006, Office of Public Sector Information
- 2.2 The Respect Agenda, 2005, The Home Office  
Good Practise Note 14: Promoting Respect: Tackling anti-social behaviour through partnership working, 2007, Tenant Services Authority

## **3.0 Scope**

- 3.1 This policy and procedure applies to all Lee HA tenants and leaseholders.
- 3.2 This policy should be read in conjunction with the Lee HA:  
Equality and Diversity Policy  
Rechargeable Cost Policy  
Equal Opportunities and Harassment Policies.

## **4.0 Policy Statement**

- 4.1 Lee Housing Association recognises that everyone has the right to their chosen lifestyle, but will not tolerate anti-social behaviour when one person's lifestyle spoils another person's quality of life. The Association will strive by example to demonstrate to its tenants the need to show respect to other persons and their property.
  - 4.1.2 The Association will acknowledge and investigate every report and complaint of anti-social behaviour.
  - 4.1.3 If tenants are found to behave anti-socially the Association will inform them that this behaviour is unacceptable, require them to make amends for what has occurred and take steps to prevent its re-occurrence.
  - 4.1.4 Under the Anti-Social Behaviour Act 2003 procedures are set in place for dealing with anti-social behaviour. If the Association has reason to believe that the conduct of one or more persons warrants this, the Association will not hesitate to instigate legal proceedings to obtain either an anti-social behaviour order or other legal remedies against the offender(s) whether tenants or other persons.

- 4.1.5 The Association expects not only that its tenants will not commit anti-social behaviour but that they will work with the Association to prevent its occurrence and to eradicate it if it does occur. For that reason it is important that tenants report anti-social behaviour to their housing officer.
- 4.1.6 Anti-social behaviour can take the form of sexual or racial harassment or of denying other people equal opportunities; so this policy should be seen together with the Association's Equal Opportunities and Harassment Policies.

## **4.2 Definitions of words or terms**

- 4.3 **Anti-social behaviour** - The Anti-Social Behaviour Act 2003 defines anti-social behaviour in the context of housing associations as conduct which is:

'...capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of a relevant association.'

or:

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

**Housing management function** - is used to cover any day-to-day activities and strategic management of the stock. The guidance issued by the Tenant Services Authority states:

'Examples include tenant and community participation, maintenance and repairs, rent and rent arrears collection, neighbourhood management and dispute resolution.'

Matters that indirectly affect the housing management function could include social care and housing support, environmental health, refuse collection and other services that enable one to operate efficiently.

**Nuisance** - The focus of the first limb of the definition quoted above from the Anti-Social Behaviour Act 2003 is on conduct that causes a nuisance.

In law a nuisance is something that is committed outside the premises that are affected by the nuisance. Therefore behaviour in the open air that interferes with other people in the vicinity (whether they are indoors or outdoors) can be a nuisance. Similarly a nuisance can be committed by people who allow something unpleasant, such as noise or smell to "escape" from their property to the disturbance of people in the neighbourhood.

## **5.0 The Policy & Procedure**

- 5.1 Lee Housing Association has legal obligations to ensure that its tenants do not behave in such a way as to create what in law is regarded as a nuisance.
- 5.2 Much of Lee Housing Association's property is in multiple occupancy and Lee HA owes a duty to its tenants to ensure that persons in shared accommodation do not act in a selfish or inconsiderate manner towards those with whom they are sharing accommodation.
- 5.3 The second limb of the statutory definition is relevant to shared accommodation. For example, using premises for drug abuse would be illegal and fall within this part of the definition. However, the duty owed by the Association in respect of anti-social behaviour in shared accommodation is over and above the obligations that the Anti-Social Behaviour Act imposes on the Association.
- 5.4 The following are examples of conduct that will be regarded as anti-social behaviour, but this list is not exhaustive:
- Noise nuisance - playing music too loud in spite of requests to stop;
  - Or making loud noise at unsocial times in spite of requests to stop;
  - Leaving mess and rubbish in the shared areas;
  - Aggressive and threatening language and behaviour;
  - Actual violence against people and property;
  - 'Hate' behaviour that targets members of identified groups because of their perceived differences e.g. racial or sexual harassment; and
  - Using homes to sell drugs, or for other unlawful purposes.
- 5.5 In order to reduce the causes and effects of anti-social behaviour the Association will:
- Set an example to tenants by ensuring that it treats its tenants with courtesy and respect;
  - Ensure that we carry out prevention and early intervention in ASB cases, by ensuring tenancy agreements contain clear and comprehensive conditions relating to nuisance and ASB and communicating the same to residents;
  - Work to support residents to ensure they can report incidents of ASB easily;
  - Work with the police, local authorities, social services and other specialised agencies to introduce and maintain systems that enhance the neighbourhood and discourage anti-social behaviour;
  - Take enforcement action in a timely manner dealing sensitively and appropriately with all incidents of nuisance;

- Work at all times to maintain a clean and friendly environment, taking immediate steps to remove any rubbish, graffiti or other pollution of the environment;
- Explain to applicants for accommodation the need to show tolerance, respect for the person and property of fellow tenants and respect for the environment;
- Endeavour to house together people of similar interests and life styles
- Attempt to resolve disputes between tenants at an early stage, before they escalate;
- Advise, and where necessary warn, tenants where there are indications of anti-social behaviour;
- Train staff in the anti-social behaviour procedure.

**5.6 Tenants Obligations** - Tenants are expected to ensure that their own behaviour and that of their visitors is not anti-social. They should initially (if this can be done without endangering them) try to persuade those whose behaviour is anti-social, not to behave in such a way. This persuasion may be by example or by quietly remonstrating with the offender. Those who witness or are otherwise affected by anti-social behaviour should never respond to it in an aggressive or threatening manner. In circumstances where it is clear that the situation cannot be handled quietly and peacefully by the parties the Association must be informed at the earliest possible opportunity. In an emergency where people or property are actually harmed or at risk, a tenant should not hesitate to call the police; in extreme situations this should be done before the Association is informed.

**5.7 Complainants** - Throughout the procedures set out above the Association will have regard for the security of the complainant and will accept that some complainants may only be willing to provide information on the understanding that what they say is treated as confidential. However, those who complain should realise that there may be circumstances when it is necessary for the Association to pass on information to others, such as the police or social services. Where it is necessary to involve others in this way the Association will make it clear to the third party that the complaint was made confidentially and seek reassurance that the third party will honour the Association's commitment to confidentiality.

**5.8 Employees of the Association** - The Association will support its employees in their attempts to deal with anti-social behaviour. It will strive to ensure that its staff are sufficiently trained for this purpose and will work to ensure that its staff are able to identify anti-social behaviour and have the confidence to deal with it.

5.9 Every report of anti-social behaviour will be investigated:

- a) Reports of damage to the Association's property will be investigated by the Housing Officer and the Housing Management Administrator [HMA] and remedied within the criteria laid down for dealing with maintenance and repairs. Where the HMA is the first person informed of an incident of ASB, he/she must inform the Housing Officer [HO] so that the incident can be registered as ASB.
- b) Reports and complaints of friction between tenants will be investigated by the Housing Officer. In serious cases where there is violence, and persons and /or their property are harmed or put at risk the Association will call the police.
- 5.10 HOs will commence the investigation at the earliest possible time. The way the investigation is handled will depend on the type of case.
- Category A – Serious and Criminal ASB**  
Racial harassment, domestic violence and abuse, assault, racist or homophobic graffiti, gender specific harassment, arson or attempted arson, harassment, serious drug use and drug dealing.
- Category B – Criminal Anti-Social Behaviour**  
Burglary, prostitution, threats and intimidation, car damage and theft, vandalism, graffiti.
- Category C – Other Anti-Social Behaviour**  
Bullying, repairing cars (do you need to qualify this? Is it anti-social to repair your own car on one occasion?), abandoning vehicles, boundary disputes, unsanitary conditions, pet nuisance – dog fouling, noisy neighbours, nuisance caused by children and young people hanging around, dumping rubbish, rowdy behaviour, drunkenness and house issues.
- Category D – House Issues (Shared Accommodation)**  
Use of other residents' property, communal cleaning and hygiene issues, smoking in communal areas.

The above list is not extensive, but covers the majority of types of anti-social behaviour.

- Category A ASB will be investigated within one working day.
- Category B ASB will be investigated within five working days.
- Category C ASB will be investigated within ten working days
- Category D ASB will be investigated within ten working days

- 5.11 Following an investigation into anti-social behaviour, The HO will send a written summary of the investigation's findings to interested parties. This should be done within 10 working days of the conclusion of the investigation.

- The HO will seek to identify and interview all interested parties.
- The Association is committed to a conciliatory and non-judgmental response to complaints.
- Wherever possible, the Association will arrange a meeting between the complainant and the subject of the complaint.
- The Association will seek to establish an action plan between the parties for the resolution of their differences and will maintain regular contact with them to monitor progress.
- In appropriate cases the Association will seek the assistance of a mediator.
- The Association recognises that not all problems are capable of resolution by conciliation and responses to tenants will, as necessary and appropriate, move from advice, conciliation and support for tenants' own action, to legal action by the Association.
- Where the differences between the parties appear to stem from differences in life-style the Association will seek to find alternative accommodation for one or both of the parties.
- The HO will log all cases of ASB on the ASB log and close all cases after a period of one month, if there have been no further developments in that time.
- A closure letter will be sent to the complainant requesting feedback on how the case was dealt with.

5.12 In dealing with anti-social behaviour Lee HA will:

**a)**Tackle anti-social behaviour directly by:

- 1) Enforcing the conditions of the tenancy;
- 2) Using a Notice of Seeking Possession and/or Section 21 Notices;
- 3) Using Acceptable Behaviour Contracts (ABCs);
- 4) Using injunctions (to stop the behaviour);
- 5) Using Anti-Social Behaviour Orders (ASBOs) and interim orders;
- 6) Demotion of tenancy orders;
- 7) Possession proceedings.

**b)**Tackle anti-social behaviour in collaboration with other agencies and what they can offer, for example:

- 1) Mediation services;
- 2) Neighbourhood wardens;
- 3) The Metropolitan Police;
- 4) Local Authority anti-social behaviour team;
- 5) Social Services;
- 6) Noise Act 1996 – using fixed penalty notices;
- 7) Protection from Harassment Act 1997.
- 8) Family Law Act 1996: Non Molestation Order or Occupation Order
- 9) Crime and Disorder Act 1998:

- Child Curfew Orders
- Child Safety Orders
- Parenting Orders
- Supervision Orders
- Drug Treatment and Testing Order
- Reparation Order
- Detention and Training Order
- Sex Offenders Order

**In the last resort the Association will take steps to terminate the tenancy of any tenant who persists in anti-social behaviour.**

## **6.0 Review Details**

Lee HA will monitor the effectiveness and implementation of this policy, including obtaining feedback from those who have used the service, to ensure that it achieves its aims of protecting the tenants and residents of its communities.

The Senior Management Team will review any cases of anti-social behaviour on a quarterly basis, with a view to improving performance in this area.

<b>Policy approved by Board on:</b>	2009
<b>Date for review:</b> (unless there is significant change in legislation requiring earlier review)	2012