



# Statement of Anti-Social Behaviour Policy and Procedure



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## Key

**Complainant** - the person who brings the anti-social behaviour to our attention  
**Perpetrator** - the person who carried out the anti-social behaviour

# Part 1 The Policy

## Introduction

The 1996 Housing Act has been amended by the Anti-Social Behaviour Act 2003, and all Registered Social Landlords (more commonly known as Housing Associations) are required to publish a statement of their policies and procedures with regard to anti-social behaviour. This document aims to give a clear picture of the responsibilities that we have as a social landlord, what our approach is and how we intend to work, in partnership with local residents and other organisations and agencies, to tackle anti-social behaviour effectively.

If you have any queries regarding this Statement, or wish to make comments or suggestions for future reviews of the Statement please contact us on 0845 849 2000 option 3 or email [info@shorelinehp.com](mailto:info@shorelinehp.com)

## The Statement in context

In drawing up this Statement of Anti-Social Behaviour Policy and Procedure we have taken due regard of its responsibilities under Section 71 of the Race Relations Act 1976, to eliminate unlawful racial discrimination, promote equality of opportunity and promote good relations between people of different racial groups. The Statement also takes account of the requirements of the Disability Discrimination Act 1995 and the Human Rights Act 1998.

Although the Anti-Social Behaviour Act 2003 gives extended powers to tackle anti-social behaviour, including the use of injunctions and demoted tenancies, there are a number of other, wider obligations placed on social landlords. We need to make sure that any policy or procedure we have in place is consistent with our obligations and requirements.

The Housing Corporation, is the regulatory body of registered social landlords. We must tackle anti-social behaviour as part of its Regulatory Code. However, it is clear that we are required to focus our efforts on sustaining tenancies and to only use legal action as a last resort.

This Statement of Anti-Social Behaviour Policy and Procedure gives you a detailed explanation of how we will work to effectively prevent anti-social behaviour, support both the victims and the perpetrators and to give details about the kind of early intervention action we can take to tackle anti-social behaviour. We want to make sure that our response to anti-social behaviour is consistent and appropriate.

## Definition

Anti-social behaviour is a blight on people's lives, and its effect on the community cannot be under-estimated. Anti-social behaviour may not always be criminal activity. The Housing Act 1996 defines anti-social behaviour 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 landlord **or**
- consists of using, or threatening to use, housing accommodation owned or managed by a relevant landlord, for an unlawful purpose

The “housing management function” includes anything that we may undertake in our day to day and overall management of our properties. This includes issues such as rent collection, repairs and maintenance, estate management and tenant participation. However, it could also include areas such as refuse collection or environmental health, as these may indirectly affect our ability to carry out our management function effectively.

Anti-social behaviour, for the purposes of this statement, is limited to:

- Actions by a tenant that affect other tenants, or residents of the area (including business owners or others lawfully using properties or facilities in the area)
- Actions by an individual, who is not a tenant that affects our tenants.

Home owners and tenants are responsible for the behaviour of other people living in or visiting their property. This forms part of the tenancy agreement you have with us.

Anti-social behaviour can cover a wide range of actions or behaviour, but might include:

- Noise nuisance
- Intimidation and harassment
- Fouling of public 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
- Using a property to sell drugs, or for any other unlawful purposes

There may be other types of behaviour that you find anti-social and we will look at how often this behaviour occurs, its seriousness, how long it has been going on, the effect on the victim and the intentions of the perpetrator before we class it as anti-social activity.

## General policy statement

We take reports of anti-social behaviour seriously. We are committed to tackling both the causes and effects of anti-social behaviour in partnership with other agencies.

We recognise that anti-social behaviour has its causes in a wide and complex number of factors, and that only by working together with other agencies can we improve the quality of life of tenants and the wider community. Our approach to tackling anti-social behaviour involves a mixture of *prevention, support and enforcement*.

## Prevention

Individuals and their behaviour can change. We look at the individual circumstances of people applying for one of our properties before we decide whether they qualify for a place on the housing register list. If there has been previous tenancy enforcement action for anti-social behaviour, this will not be taken into account if the incidents occurred more than two years before the date of application, and if we have received a satisfactory landlord reference is received for the period in between. The tenancy agreement sets out clearly the type of behaviour that is considered to be unacceptable and covers nuisance, discrimination and other harassment.

We recognise the relationship between social exclusion within neighbourhoods and both the causes and effects of anti-social behaviour in communities. With partners and residents we will develop Neighbourhood Investment Plans that help to reverse the cycle of decline by preventing social exclusion and creating better places in which to live, work and visit.

We are committed to providing resources to initiatives and projects that reduce and prevent anti-social behaviour. There is no set solution for all of our neighbourhoods but rather a range of projects that are tailored to tackle the particular problems a neighbourhood faces. Many of our regeneration projects focus on activities that divert young people away from anti-social behaviour. Examples of regeneration investment initiatives are:

- Positive Lifestyle Programmes.
- Community Safety Interventions.
- Employment and Skills.
- Youth Diversionary and Inclusion projects.
- Neighbourhood Wardens.
- Educational Programmes.
- Social Enterprise (tackling graffiti, fly tipping etc).

Effective partnership interventions prevent and deter anti-social behaviour and, through this approach, our regeneration strategy will create safer neighbourhoods and cohesive communities.

## Support

The Neighbourhood Services Team has entered into an agreement with the Community Mediation Service to provide an independent confidential service that neighbours can use to talk through their issues so they can reach long lasting agreements about disputes.

We hope that this response will help people to keep their tenancies and help tenants live comfortably in their homes. The team will deal with all low level neighbour disputes and nuisance cases, most of which can be satisfactorily resolved at an early stage.

The use of floating support officers within the Anti-Social Behaviour team is designed to provide help and support to tenants. The support officers will talk with the tenant/s about their individual needs, plan the appropriate support and give information and advice about other agencies that can help.

Some cases of anti-social behaviour are more serious. If early intervention and support is unsuccessful then we will refer cases to the dedicated Anti-Social Behaviour team.

The expertise and skills of the team are an essential tool in making sure that our response to the problem is fair and effective. We recognise that there does need to be an element of support given to families and individuals who may have difficulty in managing a tenancy and moderating their behaviour.

We work closely with partner agencies to find support interventions and rehabilitation options for the perpetrators of anti-social behaviour. Some incidents of anti-social behaviour may result from drug and alcohol abuse, mental health problems or disability and that is why we work closely with the North East Lincolnshire Council Community Health Workers, Youth Offending Team, Community Drug and Crime Team and a number of other local charity and support projects. However, the majority of people who may be vulnerable due to their circumstances are not perpetrators of anti-social behaviour and may be more likely to be the victims of anti-social behaviour because of their circumstances.

## Enforcement

Once we have collected evidence about anti-social behaviour then we have a number of options about the possible actions we can take. Any intervention is identified early and is intended to help maintain and sustain the tenancy. We will only take legal action as a last resort when all other methods have failed. Any action will depend on the seriousness of the behaviour. Possible actions include one or more of the following:

- Informal actions such as writing to or interviewing the known perpetrator(s)
- Acceptable Behaviour Contracts
- Parental Responsibility Contracts
- Anti-Social Behaviour Orders
- Injunctions
- Demotion Orders
- Possession Proceedings
- Eviction

Further detail of each possible action is given in Part 2 - The Procedure.

## Obligations of tenants

The current tenancy agreement includes a section on “Nuisance, Discrimination and Other Harassment” in the section on Tenant Responsibilities. This gives a detailed explanation of the kinds of behaviour that are not allowed. This includes the behaviour of the tenant, anyone living with the tenant or visiting their home or locality (including children).

We take anti-social behaviour very seriously and would like to remind tenants that acts of anti-social behaviour are a breach of the terms of your tenancy – making it easier for us to take action against you.

## Racial Harassment

We will not tolerate any form of racial harassment by or against our tenants. We are committed to working with partners to take effective action against the perpetrators of racial harassment or racist incidents. We are committed to:

- Getting rid of unlawful discrimination and harassment
- Promoting good relations between people of different racial groups
- Maximising the number of incidents reported to us
- Supporting complainants, their families and witnesses
- Taking effective action against perpetrators

The current tenancy agreement includes a clause covering racial harassment. This means that anyone carrying out racial harassment will be in breach of their tenancy conditions, making it easier for us to take effective action against them.

We are committed to tackling racial harassment and have a separate policy detailing its approach. We have adopted the definition of a racist incident recommended by the MacPherson report:

“A racist incident is any incident which is perceived by the victim or any other person to be racist.”

There is also a work instruction for responding to complaints of racial harassment which gives details of the action we will take.

For more information please ask for a copy of our ‘Tackling racial harassment’ leaflet which is available in any of our offices and on our website – [www.shorelinehp.com](http://www.shorelinehp.com)

## Domestic Violence

We will not tolerate domestic violence by or against our tenants and will work with the Police and other agencies to use legal procedures to deal with this.

If a tenant has been violent and this has led to other members of the family moving out and being rehoused we will take this matter to the County Court to seek a possession order. However, we will always seek to remove the perpetrator in the first instance.

For more information please ask for a copy of our 'Tackling domestic violence' leaflet which is available in any of our offices and on our website – [www.shorelinehp.com](http://www.shorelinehp.com)

## Working with Partners

We are committed to taking a multi-agency approach to tackling anti-social behaviour in order to seek the most appropriate solutions. Neighbourhood Services is represented at the multi-agency Anti-Social Behaviour Review group, alongside other members from the local police and North East Lincolnshire Council's anti-social behaviour team. Neighbourhood Services also work closely with the Youth Offending Team and North East Lincolnshire Council Social Services and Education. Multi-agency case discussions are held with partners to decide on the best possible course of action in cases of anti-social behaviour.

## Confidentiality

Any information given to us will be treated in confidence and will not be passed to the alleged perpetrator unless express consent is given. Information may be shared with partner organisations where this is appropriate and if it is allowed by legislation (specifically the Data Protection Act 1998 and Crime and Disorder Act 2000) or where it is deemed necessary to protect the public interest.

As stated there is an existing information sharing protocol with members of the multi-agency forum, the Anti-Social Behaviour Working Group.

## Part 2 The procedure

### 1. Making a complaint of Anti-Social Behaviour

- 1.1 You should report any complaints to the Neighbourhood Services Team on 0845 849 2000 option 3 or on the Anti-Social Behaviour Confidential 24 hour message line 01472 572174, or fax 01472 572177, or e-mail us at [info@shorelinehp.com](mailto:info@shorelinehp.com) or call in at the Shoreline Housing Partnership Customer Service Centre, 11-13 Osborne Street, Grimsby, DN31 1EY.

### 2. Dealing with a complaint of Anti-Social Behaviour

- 2.1 When a call is received by the Neighbourhood Services team, regarding nuisance or anti-social behaviour then the details will be recorded and the nuisance categorised. In the case of low-level neighbour nuisance information will be sent to you regarding common-sense and practical steps for you to take to resolve the situation wherever possible.
- 2.2 If this does not resolve the issue then the matter may be referred to an independent mediation service.

- 2.3 Where a report of more serious or repeat occurrences of nuisance or anti-social behaviour is received by the Neighbourhood Services Team then the complainant will be contacted within set timescales, depending on the nature of the complaint, for further details to be recorded. The Neighbourhood Officer will agree with the complainant a course of action to be followed. This may include asking the complainant to complete a nuisance diary, or log sheets, and depending on the circumstances, visiting the perpetrator too.
- 2.4 All cases will be dealt with in a sensitive and responsive manner, however, it is to be accepted that further investigations will have to be undertaken before any clear decision can be made regarding the allegations.
- 2.5 The Neighbourhood Officer will then put into action the agreed plan. This will usually include a visit being made to the alleged perpetrator(s). In the event of a visit, this will take place within 5 working days of the "Action Plan" being agreed, unless specific circumstances make this inappropriate. Discretion will be used to determine whether a more urgent visit is needed.
- 2.6 The Neighbourhood Officer must remain impartial and listen to both parties before forming any clear opinion or deciding upon a course of action. At the end of the visit, the Neighbourhood Officer should be in a position to identify a way forward. This could involve the need to conduct further investigations or issuing appropriate advice or warnings to the parties concerned.
- 2.7 The Neighbourhood Officer will keep both the complainant and the alleged perpetrator informed of relevant information and developments at all stages throughout the process.
- 2.8 It will be the objective of the Neighbourhood Officer to achieve an early resolution through following the steps outlined above. In such circumstances the case will be monitored for a further 14 days. If no further complaints are received then, we will contact the complainant and the perpetrator to tell them we are closing the case.
- 2.9 If further complaints are received the Neighbourhood Officer will liaise with the Team Leader or Area Manager for guidance on the way forward. If we need to involve other agencies then we will do so. In certain circumstances the Neighbourhood Officer will arrange for a multi-agency case discussion to be held with partners from the appropriate partner agencies e.g. the Police, North East Lincolnshire Council Social Services, Education, Youth Offending Team etc.
- 2.10 If formal action is required then full case details will be presented to the Team Leader or Area Manager. Formal action should be considered to be the last resort.
- 2.11 More serious and long running cases of anti-social behaviour cases may be referred to the specialist anti-social behaviour unit.

### 3. Supporting complainants

- 3.1 It is vital, for any action that we take to succeed, and for complainants to be offered help and support during what can be a very stressful time. For any action to be successful we would normally need statements from witnesses and for people to be willing to go to court if necessary to confirm what they have seen or what has happened. Some people may feel uncertain about doing this as they may worry about possible repercussions or intimidation.

- 3.2 In the most serious of cases we may consider moving the victims or witnesses to another area. However, this is a very extreme circumstance and normally just talking through the procedure with the witnesses is enough to reassure them. We can help with transport to get to court and can often arrange a visit to the court before the actual hearing. In some cases we may be able to put the witness in touch with someone who has acted as a witness for us before, for support and encouragement. Victims will be referred to relevant support services where appropriate.
- 3.3 In some cases it is possible for Neighbourhood Officers to attend Court and provide “hearsay” evidence where the witness is unable or unwilling to do so. In other cases then the anti-social behaviour may have been witnessed by one of our officers and they can then give personal evidence to the Court.
- 3.4 In certain circumstances, cameras can be used to gather evidence. We will only use cameras in cases where it is decided that this is appropriate, and in all cases this decision will be made by the Head of Housing or Enforcement Manager, having regard to the guidelines which are contained in the Regulation of Investigatory Powers Act 2000.<sup>1</sup>
- 3.5 Whenever court action is taken complainants and witnesses will have the legal processes explained to them with realistic timescales of when the court is likely to deal with the case.
- 3.6 Support may also be appropriate for the perpetrators and we have links with a number of agencies that can offer a range of support and rehabilitation services.

#### **4. Options available us when responding to complaints of Anti-Social Behaviour**

- 4.1 There are a range of actions that can be taken, depending on the seriousness of the behaviour, and taking into account the affect that the behaviour is having on the victim(s), the length of time the behaviour has been ongoing and the number of tenants affected.

##### *4.2 Writing to or interviewing the known perpetrator(s)*

The Neighbourhood Officer will normally visit the alleged perpetrator(s) (with the agreement of the victim, where applicable) to advise them that the complaint has been made, explain the affect that their behaviour is having and ask them to stop. It is often the case that counter-allegations are made and the officer will then need to pursue further lines of investigation to establish the facts.

Using the mediation and negotiation skills of the Neighbourhood Services Team is often the simplest and most effective method of resolving a problem, without having to resort to other more lengthy or costly approaches.

##### *4.3 Acceptable Behaviour Contracts*

Acceptable Behaviour Contracts (ABC's) are a voluntary agreement, generally used when the perpetrator of the anti-social behaviour is aged 10 years and above, or where the level of behaviour would not warrant an Anti-Social Behaviour Order being pursued.

<sup>1</sup> Although RIPA applies only to Local Authorities, we will use the guidelines in order to make sure we follow good practice in this area.

The signed agreement covers such items as:

- Times when the young person is required to be at home
- Areas, streets or property that the young person should not visit
- Specific behaviour that they should not engage in, such as verbal abuse, climbing on roofs etc.
- Limits to the time and volume of music being played

The ABC offers a lower level of intervention than an Anti-Social Behaviour Order and is normally drawn up between us and the police together with the young person concerned.

#### 4.4 *Parental Responsibility Contracts*

If the perpetrator of anti-social behaviour is under 10 years old then a Parental Responsibility Contract (PRC) would more normally be used. The parents of the child would in this case be expected to agree to make sure that their child does not carry out certain actions or behaviour. PRC's recognise that parental control should be used to curb the unacceptable behaviour of children of this age. This would normally be drawn up with the police.

#### 4.5 *Anti-Social Behaviour Orders*

An Anti-Social Behaviour Order (ASBO) would normally only be used in the most extreme of cases. We have successfully secured a number of ASBOs with North East Lincolnshire Council. An ASBO will normally only be used against the most repeat or continuous perpetrators of anti-social behaviour.

An ASBO can be attached to a conviction for a criminal offence, applied for on a stand alone basis, or applied for along with possession proceedings. Like the ABC, it will normally contain a list of set behaviours for the individual and an area that they are not allowed to visit. If the ASBO is broken then the Court can apply a number of penalties ranging from a fine to imprisonment.

#### 4.6 *Injunctions*

Injunctions can be obtained through the County Court and can be used to prevent conduct which:

- Is capable of causing nuisance or annoyance to any person
- Directly or indirectly relates to or affects our housing management functions

Injunctions can also be used to prevent unlawful use of housing accommodation for example, if there is violence, threatened violence or significant risk of harm, the named person can be stopped from entering a particular property or area. The Court can add the power of arrest to an injunction and if an injunction is broken then the person can be fined or even imprisoned.

#### 4.7 *Demotion Orders*

This is a court order which means that a tenant who is found to have committed anti-social acts can have their security of tenure removed for one year. Their tenancy becomes a demoted tenancy. Consequently, they will have fewer rights, including no right to buy or acquire, exchange or assign during the demotion period. If they commit further acts of anti-social behaviour we have the right to decide whether to end their tenancy. If we decide to end the tenancy the court must give a possession order as long as they are satisfied that we have followed the correct processes. The process

requires a valid Notice to be served on the tenant and to allow the tenant a review of the decision to seek the end of the tenancy. The Demotion Order lasts for one year, at the end of which the tenancy is promoted back to a secure tenancy as long as possession proceedings have not been started to bring the Demoted Tenancy to an end.

#### 4.8 Possession Proceedings

For **Assured Tenancies** we can apply to the County Court for a Possession Order if the anti-social behaviour is of such a serious nature. However, the Court would expect the Company to have considered all other possible options in terms of dealing with the behaviour before taking such a step. To grant an Order the Court must be satisfied that there is a valid reason, on one of the grounds specified in the Housing Act 1988, and that it is reasonable to grant possession to us. The Order may be outright or suspended. A suspended order means that the tenant cannot be evicted unless they break the terms of the order. An outright order will mean that the Council can then evict the tenant.

In the case of **Starter Tenancies** there are two ways to end the tenancy. Either using the grounds for possession specified in the Housing Act 1988 (as above), or by the use of Accelerated Possession Proceedings. This means that we must give the tenant two months written Notice Requiring Possession. Provided that certain conditions are met then the Court must grant possession. In either case a court order cannot take effect within the first six month period of the starter tenancy. Additionally, we have an appeals procedure for tenants who have been served this type of Notice.

#### 4.9 Eviction

If the Court grants an outright order, or if the tenant breaks the terms of a suspended order, then we can apply to the Court for a warrant of possession to evict the tenant.

We will not normally rehouse a person who we have previously evicted because of anti-social behaviour. However, every housing application is considered on its own merit.

Relevant action will also be taken where our employees have been threatened, abused or harmed in any way in the course of carrying out their normal duties. We seek to give a clear message regarding our responsibilities and the firm commitment we have to protect our employees.

### 5. Monitoring Anti-Social Behaviour

- 5.1 We keep records of the numbers and types of nuisance complaints that we receive and the actions that we take to deal with it. We also carry out satisfaction surveys on tenants who have made a complaint about anti-social behaviour. Where complainants or perpetrators are unhappy with the action that we have taken, then they may make a formal complaint about this using our Complaints procedure. Complaints handling and outcomes are monitored. In addition to this we will send questionnaires asking tenants their views on what they consider to be the most serious problems in their area, eg vandalism, drug dealing, graffiti etc.
- 5.2 By carrying out this monitoring we are able to continually review the way we work and determine how effective our policies and procedures are, so that we can improve our performance.

### 6. Availability of the Anti-Social Behaviour Policy and Procedure

- 6.1 A summary version of the statement of Anti-Social behaviour Policy and Procedure is also available at any of our offices and on our website – [www.shorelinehp.com](http://www.shorelinehp.com)

**0845 849 2000**

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