



Antisocial Behaviour Statement

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Folder: LHT Housing Policies and Procedures

Summary Of LHT Housing Nuisance And Anti-Social Behaviour Policy & Procedure

PURPOSE

Section 12 of the Anti-Social Behaviour Act 2003 requires all Registered Social Landlords to prepare and publish their policies and procedures on Anti-Social Behaviour (ASB). We are also required to have a summary of both the policy and procedure available on request.

ASB comes in many different forms. It ranges from serious criminal acts to more everyday incidents such as noise nuisance and untidy/overgrown gardens.

LHT Housing takes all complaints very seriously and will take whatever steps are necessary to put a stop to it. This will include legal action when appropriate.

THE POLICY

LEGAL AUTHORITY AND REGULATORY REQUIREMENTS

LHT Housing is empowered by and must comply with a number of Acts of Parliament and regulatory requirements when managing cases of nuisance and ASB. Principally these include:

- Children Act 1989
- Environmental Protection Act 1990 and Noise Act 1996 covering statutory nuisance, including noise nuisance
- Dangerous Dogs Act 1991
- Housing Act 1996
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998, as amended 2002
- Race Relations (Amendment) Act 1999
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Police Reform Act 2002
- Anti Social Behaviour Act 2003
- Housing Corporation Regulatory Code 2000
- Housing Corporation Regulatory Circular 08/04 2004

DEFINITION

Although Nuisance and ASB is difficult to define, LHT Housing has agreed to use the following Housing Corporation definition:

‘Behaviour that unreasonably interferes with other people’s rights to the use and enjoyment of their home and community’.

THE TENANCY AGREEMENT

This is the legally binding contract that is signed by all tenants and it is this document that makes a tenant responsible for the actions of themselves, visitors to their property and those that reside with them including their children.

In order to prevent cases of nuisance and ASB, tenants are asked to ensure they understand *The Tenant's Duties* within the LHT Housing Assured Tenancy Agreement, which reads as follows:

Use of Premises

To use the premises for residential purposes as the tenant's only or principal home and not to use the premises for any illegal purposes or to operate any business from the premises.

Not to cause a nuisance or annoyance to other persons in the neighbourhood. Not to allow anyone who lives with the tenant or who visits the tenant to cause a nuisance or annoyance to other persons in the neighbourhood.

Violence

Not to commit or allow members of his or her household or visitors to cause any physical or verbal assault on any members of staff of LHT or its contractors, servants or agents, acting in the normal course of their business and not to allow members of his or her household or visitors to act in any way which is likely to lead to a breach of the peace. Not to act in a manner which threatens violence to a member of LHT's staff, contractors, servants or agents.

Domestic Violence

Not to inflict violence or threaten violence against any other person living with the tenant.

Racial and Other Harassment

Not to commit, or to allow members of his or her household or invited visitors to commit any harassment or threat of harassment for example on the grounds of race, colour, religion, sexual orientation, HIV status or disability that may interfere with the peace and comfort of, or cause offence to, any member of his/her household, other persons in the neighbourhood or to any tenant, agent, employee or contractor of LHT. Not to display or cause to be displayed in any part of the premises, any poster, message or communication of any type whatsoever of an offensive or obscene nature.

Nuisance and Anti-Social Behaviour

Not to engage, cause, or allow members of his or her household or visitors to engage in any form of anti-social behaviour likely to cause a nuisance or annoyance to other persons in the neighbourhood or to any tenant, agent, employee or contractor of LHT.

The tenant shall not permit the premises to be used for any illegal and/or immoral purposes. This specifically includes the production, use and/or attempted sale of drugs or any other substances covered by the Misuse of Drugs Act 1971, or any other relevant legislation.

LHT Housing assured Tenancy Agreement also includes specific sections detailing parking and vehicle repairs, noise, pets and gardens.

Types of Anti-Social Behaviour/Nuisance Include:

- Racism
- Playing loud music
- Fly tipping
- Throwing things out of a window
- Failing to maintain gardens
- Banging and slamming doors
- Children not kept under control
- Drug and alcohol abuse
- Threatening to use violence
- Criminal activity
- Domestic Violence
- Acts of violence

OTHER COMPLIMENTARY LHT HOUSING POLICIES

HARASSMENT

Harassment is any form of behaviour, which results in people feeling uncomfortable or unsafe in their homes. It is any act of abuse, threatening behaviour or assault that is committed deliberately against any individual or a group of people. It can be verbal or physical and can include attacks on the person as well as the property. It is behaviour that is unwanted, unreasonable or offensive to the recipient.

DOMESTIC VIOLENCE

Domestic violence is the mental, physical, sexual, emotional, psychological and/or economic abuse of one person by another who is in or has been in a relationship with them. The relationship maybe between partners or ex partners or other family members. Children involved may also suffer direct or indirect abuse.

RACIAL HARASSMENT

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

SUSPENSION

LHT Housing is strongly committed to the principle of managing our properties to the highest possible standard and in conjunction with partner RSL's developed a suspension policy in 2002.

If an applicant for rehousing has broken the terms of a previous tenancy with LHT or another landlord then we will suspend their application. The suspension will be for a definite period and the applicant will be given the opportunity to resolve the issue.

STARTER TENANCIES

LHT Housing, following consultation with the local authority use assured shorthold tenancies to create 'starter tenancies' in a number of designated areas for all new tenants in order to provide a probationary period of a tenancy. These tenancies have a probationary period of twelve months and were introduced to help combat anti-social behaviour. If at any time during the probationary period the tenant is found to have conducted their tenancy in an unsatisfactory manner, the tenancy can be terminated.

EQUAL OPPORTUNITIES

LHT Housing regularly reviews performance to ensure equality of access to services. LHT Housing will take proactive steps to ensure that all sections of the population are given equal access.

A full copy of all LHT Housing policies is available on request.

CASE MANAGEMENT

LHT Housing has in place a robust, case sensitive procedure for managing cases of nuisance and ASB. This procedure includes training for all staff involved in the management of nuisance and ASB.

PARTNERSHIP WORKING

LHT Housing recognises that adopting a multi-agency or partnership approach to problem solving is key to the development of effective strategies to prevent and manage nuisance and ASB. This joint working will embrace a range of statutory and other agencies, including having trained Designated Liaison Officers to ensure the speedy and effective sharing of information.

DIVERSIONARY ACTIVITY

LHT Housing recognise the need to work in partnership with a range of agencies to provide, complement and contribute to diversionary activity in a particular area in order to prevent nuisance and ASB.

This will include working with the local community and recognised Tenant and Resident Groups in order to provide activities for young people, working with local schools to raise awareness of the negative impact of ASB and coordinate a programme of activities during school holidays for targeted age groups.

TOOLS AVAILABLE TO LHT HOUSING IN MANAGING NUISANCE AND ASB

THE ANTI-SOCIAL BEHAVIOUR ACT 2003

This new act now allows us to take action against any person whose behaviour is 'capable of causing harassment, alarm or distress to any other person'. This act allows us to take action against anybody that causes problems to our tenants, other residents in our management area, our staff and any other person connected to our Housing Management function including contractors employed on our behalf.

LHT Housing has a wide range of available tools in the management of nuisance and ASB.

Staff responsible for the investigation and management of cases will in all instances follow the guidelines contained within the Nuisance and ASB procedure.

MEDIATION

LHT Housing recognise that mediation can be an effective solution to resolving neighbour disputes.

Mediation is a process whereby a neutral third party enables two or more parties in dispute the opportunity to resolve any differences in an amicable way without recourse to formal or legal proceedings.

ACCEPTABLE BEHAVIOUR CONTRACTS

An Acceptable Behaviour Contract (ABC) is usually a written agreement between a 10 to 18 year old, the landlord and the police.

The agreement normally requires that the young person cease to perform some acts that are defined as anti-social. The contract is not legally binding on persons under 18 but can be referred to in future court proceedings.

ANTI SOCIAL BEHAVIOUR ORDERS

Anti-Social Behaviour Orders (ASBOs) were introduced as part of the Crime and Disorder Act 1998 and implemented in April 1999.

They were initially available only to police and local authorities to protect people in the local authority area where granted, or a neighbouring area.

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Since December 2002 ASBOs have been made available to RSLs as an important tool in tackling ASB and are aimed at anyone aged 10 or over, and as such tend to be targeted towards ASBs committed by young people.

ANTI-SOCIAL BEHAVIOUR INJUNCTIONS

The Anti-Social Behaviour Act 2003 has amended the existing Housing Act and introduced Anti-Social Behaviour Injunctions. Such orders will apply to behaviour that is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management function of the Landlord.

UNDERTAKINGS

An undertaking is a formal promise given by a tenant to the court not to cause or allow nuisance to be caused.

DEMOTION ORDER

The Anti-Social Behaviour Act 2003 introduced the power for RSLs to apply for a demotion order in relation to a tenant's security of tenure.

The practical implication of a demotion order is that instead of making an immediate or suspended possession order, or alternatively adjourning on terms, the court can demote the tenancy status. If the tenancy is demoted a secure tenancy will become the equivalent of an introductory tenancy and an assured tenancy will become an assured shorthold tenancy.

POSSESSION ACTION/EVICTION

LHT Housing will consider possession action via the County Court in managing nuisance and ASB and this action will, in certain cases, result in the eviction of the perpetrator from their home.

LHT Housing will take into account the effect of the behaviour on the victim, the seriousness of the ASB and any alternative remedies available.

THE PROCEDURE

CONTACTING US

LHT Housing is committed to dealing with anti-social behaviour. We are committed to dealing with the minority of people responsible for making the lives of many decent law abiding residents a misery.

Anybody can contact us by calling in to one of our offices. Alternatively a person may choose to contact us in writing or by telephone. An officer from another agency can also contact us via a local councillor or. Once we have received a complaint, the complainant (the person making the complaint) will receive confirmation that the complaint is being looked in to.

However, we also understand that due to the fear of reprisals, individuals do not want to get involved and are unwilling to give us their details or give information to us or to the Police. We want this to change and welcome anonymous complaints. We are committed to providing a confidential service and under no circumstances will we disclose any information about a complainant without their express permission.

WHAT WE WILL DO

If a problem is something that can easily be seen we may be able to sort it out quickly. For example, if we are told about an overgrown garden we can simply go and check it. We will tell the person responsible to clean it up and take action if they don't. Unfortunately most cases are not so simple. If the behaviour complained about is not obvious to everyone, or if it is aimed directly at another person (e.g. harassment/intimidation), LHT Housing staff will need to speak to the complainant before we can start an investigation.

In most cases we will need to see the complainant to discuss the problem. We will arrange an appointment that is convenient for them. This may be at the local office, their home or another venue you of their choice. In most cases we will arrange an appointment to meet the person(s) no more than five working days after receiving the complaint. In urgent/serious cases we will aim to meet the person(s) within 24 hours. We will ask them questions to help us get a picture of the problem; who is affected; how they are affected; where the anti-social behaviour happens; and why they think the other party is acting in the manner complained about. We will need to speak to any other person within the complainant's household who has been affected by the behaviour.

THE ACTION PLAN

At the end of the initial meeting an agreement will be reached as to what will happen next. This will include what we will ask the complainant to do. This is called the action plan, a copy of which will be sent to the complainant.

CONTACTING THE PERPETRATOR

In some cases when there have been no threats, violence or harassment, we may ask the complainant to discuss the situation with the other party if they haven't already done so. This may be appropriate in cases such as noise from loud music or something similar. Sometimes other people are not aware of the effects their behaviour can have on others.

Where this is not possible or practical, we will make contact with the perpetrator and tell them that we have received complaints about their behaviour and will give them an opportunity to stop behaving in an anti-social manner. This will hopefully put an end to the situation. If however we continue to receive complaints we will take the matter further and this may result in legal action being taken.

VICTIM/WITNESS SUPPORT

LHT Housing's approach to anti-social behaviour is to put victims/complainants at the centre of all processes and procedures. It is our aim to take speedy and appropriate action in all reported cases.

As part of our victim centred approach we will make regular communication with the victim, using whatever is the most appropriate form of contact, e.g. phone, letter, meeting or home visit.

In certain circumstances we can provide special equipment and additional security measures to provide re-assurance, peace of mind and obtain additional evidence. Such measures can include additional locks, additional lighting, letterbox covers, CCTV cameras or sound monitoring equipment. Any additional measures will be considered on a case-by-case basis.

LEGAL ACTION

In some cases where we have tried to put a stop to bad behaviour but have been unsuccessful, we will need to take punitive measures. Each case will be considered on the severity and effect of the behaviour and the appropriate legal action will be taken. A full list of measures available is shown under the heading: *Tools available to LHT Housing in Managing Nuisance and ASB* on pages 6 & 7 of this document.

OTHER KEY ELEMENTS

PERFORMANCE MONITORING

The use of effective monitoring tools are an important element in ensuring that staff adhere to policies and procedures, and in enabling LHT Housing to be proactive in managing nuisance and ASB.

COMMUNICATION

LHT Housing recognises that an effective nuisance and ASB policy must be backed up via clear procedures that are communicated to the widest possible audience. LHT Housing has a number of measures in place to achieve this.

CONSULTATION

LHT will undertake to consult with the LHT Housing Board of Management, Neighbourhood and Area Panels and Tenants' and Residents' Associations when developing service provision.

CONTINUOUS IMPROVEMENT

It is important to LHT housing that all involved in the reporting and management of nuisance and ASB ensure that they seek to improve their knowledge in this challenging area of work.

Staff will be provided with refresher training and information on legislative changes and best practice.

CHALLENGE AND COMPETE

Consideration at all times will be given to alternative means of service provision.

CONCLUSION

Managing incidents of nuisance and ASB can be complex and emotive for all parties, in particular for the victims of such behaviour, but is recognised as a key element as LHT seek to manage homes and neighbourhoods in the most effective way.

This policy will be circulated to all staff to ensure that best practice is maintained and will be reviewed and updated on a regular basis.